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*Brought from the Lords, 26 June 1882.*

# FIRST

# REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON

# LAND LAW (IRELAND);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

*Ordered, by* The House of Commons, *to be Printed,*
26 *June* 1882.

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# FIRST REPORT.

BY THE SELECT COMMITTEE appointed to inquire into the Working of recent Legislation in reference to LAND in IRELAND and its Effect upon the Condition of the Country; and to Report to the House, and to whom leave was given to Report from time to time.

ORDERED TO REPORT,

1. THAT the Committee have met and examined several witnesses.

2. The Committee have not yet completed their inquiry into the matters referred to them; but they think it desirable to report the evidence at its present stage to the House, and at the same time to make some recommendations on certain matters which appear to them to be urgent, and which, so far as regards the facts connected with them, do not involve any serious controversy. In taking this course the Committee must necessarily defer the consideration of other matters covered by their inquiry, but in respect of which their investigation is at present incomplete.

3. With tribunals and a procedure so novel as those which the Act of 1881 has established for fixing a judicial rent, it is not surprising that considerable friction should arise, and many imperfections should be discovered, when the Act came to be worked. The Committee consider that much may be done to remove this friction and these imperfections, and that their existence occasions to all parties much increased expense, and much difficulty in preparing for the hearing of their cases, as well as great uncertainty as to the principles on which the tribunals proceed, and a consequent increase in the number of cases which fall to be decided by the Court as contentious in place of being settled between the parties.

4. It appears from the evidence that the notice given to the parties of the hearing of a case before Sub-commissioners is from a fortnight to three weeks, and sometimes less than a fortnight, while there is no reason why a longer notice should not be given. It further appears that a list of 50 cases for hearing is sent down from Dublin to be heard by each Sub-commission at each place of their sitting; that the parties in each of these cases are expected to be ready with their professional advisers, valuators, and other witnesses, on the first day of the sitting, and thenceforward during the sitting; that the expense of this to the landlord (who may have several cases at one sitting) may be taken at from 10 *l.* to 15 *l.* for each case, and to the tenant at a less sum; and that many of the cases are unheard at the close of each sitting, and made *remanets*, and the expense thrown away.

The Committee think that a notice of not less than three weeks should be given of the hearing of each case; that as far as possible notice should be given of the day on which each case shall be taken, and the witnesses and agents required to be in attendance; that the cases for each sitting should be arranged so as to bring together cases from the same estate or neighbourhood; and that the Sub-Commission should sit in each place until they have heard all the cases placed in the list to be heard at that place, except such, if any, as the parties consent to be heard at some other place or time. (O'Hagan, 3697.)

5. In fixing the judicial rent of a holding nothing is more important, and nothing more difficult, than to determine, in those cases where it is necessary to do so, what improvements have been made by the tenant or his predecessors, and what deduction should be made in respect of such improvements from what would otherwise be the fair rent to be paid for the holding.

For the determination of this question the evidence of valuators who have inspected the holding, and of witnesses acquainted with the history of the holding, and of the work done and money expended upon it, is requisite; and natural justice demands that a landlord, in order to be able to meet and check the case made by a tenant as to improvements, should have some means of knowing beforehand what that case is to be. At present he has none. He may, indeed, ask the tenant for information, but the tenant is under no obligation to give it. The landlord may then apply to the Court in Dublin for an order on the tenant to furnish particulars. But there may not be time to obtain this order, and to have it obeyed before the trial; and, in addition to this, the landlord has to pay the costs of the application for an order, which are considerable. Under the Land Act of 1870, Section 16, and the rules made in pursuance of the Act, a tenant claiming compensation for improvements was obliged to fill up a form stating the particulars and nature of the improvements with the dates and amounts. It has been stated to the Committee that it might be difficult, and that in some cases it might be unnecessary, to append to the notice with which a case originates, the particulars of the improvements relied on. The Committee, however, think that the landlord should be allowed to serve on the tenant a notice, on a form provided by the Court, calling on the tenant to furnish, on a similar form, and within a definite time before the trial, the particulars of the improvements which he claims, and that if this notice is not complied with the Court should have power to enforce it at the expense of the party who has, without sufficient reason, disregarded the notice.

The Committee did not understand from the Commissioners that there would be any serious difficulty in a modification of the procedure to this effect. (Litton, 3488). And they have learned that since the evidence of Mr. Litton was given a new rule has been made authorising the landlord to apply to the tenant for particulars. (O'Hagan, 3700.) The Committee, however, still think that an official form should be settled, indicating the particulars to be furnished, and showing that the demand is made by the authority of the Court, and that the tenant should be provided with a corresponding form on which to give the information. (O'Hagan, 3702, 3.)

6. The Committee are of opinion that it is very important, in the interest as well of the tenant as the landlord, that the Sub-commissioners, in fixing a judicial rent, should determine and record both the fair rent of the holding absolutely, and also the sum which they find should be deducted from this rent in respect of the tenant's improvements. The knowledge of the rent assigned to the holding, irrespective of improvements, is necessary, with a view to the settlement out of Court of disputes as to adjacent or similar holdings, and may be of much importance in questions as to the rental of the whole country; and the separate findings as to rental and improvements will greatly simplify appeals, inasmuch as both landlord and tenant may frequently be satisfied with the finding as to rental, and desire to appeal as to improvements only, or *vice versâ*.

The Committee find that for some time after the formation of the Sub-Commissions the books issued to them for entering minutes of their orders contained two columns headed "Estimated value of tenant's improvements," and "Annual sum deducted in respect of tenant's improvements from present rent in fixing judicial rent." These columns were, however, not filled up by the Sub-Com missioners, and have been latterly omitted from the Order Minute Books. The Committee do not think that any sufficient cause has been shown why this information should not be required, at least as to holdings not subject to the Ulster customs, and they understand the Commissioners (although opposed to this information appearing) to be of opinion that the information could be given, and that it would be valuable. (Litton, 3255, 6; Godley, 505, 517; O'Hagan, 3707—3716, 3730, 1.)

7. It has been a subject of much complaint before the Committee that no statement or record is made by the Sub-Commissioners as to what are the improvements which they adjudicate to have been made by, and to belong to, the tenant, and also that in the great majority of cases no statement is made by them as to the *ratio decidendi* or principle on which they proceed in settling a fair rent.

As to the former of these complaints it is contended that it is the interest both

both of the landlord and tenant to have it decided and placed upon record once for all what improvements upon the farm have been made by the tenant in past times, and it is said that without such a record the authorship of now existing improvements may again be brought into controversy at the end of the first judicial period of 15 years, and also that improvements existing at the commencement of the judicial period may hereafter be alleged to have been made at a later date.

The Committee have heard with satisfaction that the Commissioners have, since the commencement of this inquiry, adopted a rule for the purpose of meeting this complaint, and that the Sub-Commissioners will henceforward be required to specify the improvements made by the tenant. (O'Hagan, 3746—3749.)

As to the complaint that no *ratio decidendi* is given, it is said that without some statement of reasons neither party is able to determine whether he should be satisfied with the decision, or should appeal; that there is no security that the various Sub-Commissions are acting on the same principles; no evidence that they take into account matters which should be considered, such as deterioration of land by the tenant; and that landlords and tenants, being without any knowledge of the principles that would be applied to other cases, are unable to settle them out of Court as often as they are desirous of doing.

The Committee are of opinion that there is much force in these arguments, and they think in particular that great advantage would arise from an adherence to the rule which has been found so beneficial in all judicial proceedings, the rule, namely, of the judge stating the reasons for his decision. One of the Commissioners (Mr. Litton) produced to the Committee the reports made to the Commissioners by their valuators in two cases heard on appeal. These reports, which are printed in the Appendix (G.), contain various details as to the holdings to which they refer, the improvements on the holdings, and the reasons for the valuation; and Mr. Litton was asked if there would be any difficulty in the Sub-Commissioners stating their views in a similar form. His answer was:

> I am not prepared to say there would be any difficulty or objection to their doing so; I think it is worth considering. I would not like to say what might occur to Judge O'Hagan or to Mr. Vernon, but it does not occur to me that it would be very difficult (3365). Mr. O'Hagan concurred in this opinion. (O'Hagan, 3769.)

8. The Committee have already referred to the costs to a landowner of the proceedings before the Sub-Commissioners, amounting, it is stated, to from 10 *l.* to 15 *l.* in each case. Each party, according to the present course of decision, is left to pay his own costs, and where an estate is divided into small tenancies, the costs falling upon the landlord may amount to a very large sum. In the case of an estate in settlement the tenant for life is made by the Land Act the representative of the estate, but he is left to bear in his own person all the costs, which may exceed the value of his life interest in the amount in controversy. The Committee are of opinion that provision should be made to enable a limited owner of an estate in settlement to charge upon the settled estate the costs properly incurred by him in defending the interests of all parties interested in the estate.

9. The provisions of the Act of 1881, intended to facilitate the purchase by tenants of their holdings, were by some persons looked upon as the most important, and by almost all as among the most important features of the legislation. The witnesses examined by the Committee, with the exception, perhaps, of Mr. Commissioner Litton, concur as to the great national benefit, political and social, which may be expected from an operation which would, on just and reasonable terms, convert a number of tenants in Ireland into proprietors of their farms This view, and the arguments in support of it, derive great additional force from the present condition of Ireland; the unexpected operation of the Act of 1881 upon the interests of owners of land in that country; the dislocation of the relations which have long subsisted between landlords and tenants, and the circumstance that it is no longer possible for landlords, by reason of this dislocation, to discharge the great public functions hitherto devolving upon them. All the witnesses, however, are agreed that, for reasons which the Committee will proceed to state, the present arrangements made to promote the purchases of holdings must be taken to have failed.

 10. Of

10. Of the reasons which have led to the failure of what are termed the "Purchase Clauses" of the Act, two are connected with the position of the landlord, and one, and that the principal reason, with the position of the tenant.

11. A considerable proportion of the land in Ireland is subject to settlement, and the 25th section of the Land Act, 1881, provides that a "limited" owner may sell to a tenant, but the purchase money must be dealt with according to the Lands Clauses Consolidation Act, the tenant taking the place of the "Promoters of the undertaking" under those Acts.

The effect of this would be that the purchase money would be paid into the Court of Chancery, and invested in Government Stock, thus materially reducing the income of the limited owner; and, furthermore, the expense of applications to the Court of Chancery for the payment into Court of the money, and for its investment and reinvestment, would have to be paid either by the "limited" owner or (as appears to be the better construction of the Act) by the tenant.

It is obvious that no sale by a limited owner is likely to be effected under these conditions. The Committee consider that the limited owner should have the power of selling; that the purchase money should be paid to the trustees of the settlement, if there are any, and, if not, to trustees to be appointed by the Land Tribunal; and that the trustees should have power to invest the money on any of the securities on which trustees are authorized, either by the settlement or the general law, to invest, and pay the income to the limited owner.

12. The other difficulty connected with the landlord's title arises where the land is subject to head or quit rent, which is said to be the case with one-third of the land in Ireland. There is no power to apportion the head rent, and the whole rent continues to be payable out of every holding into which the estate is divided. Under these circumstances the Commissioners insist, not unreasonably, that in order to make a security on which the money of the State may be safely advanced, the head or quit rent shall be redeemed. This the landlord, more especially if he be only a tenant for life, may be unable to do, and in any case he may be required to pay an unduly high rate of purchase.

The Committee are of opinion that power should be given to a tenant for life to redeem the head rent out of the purchase money, and that the Land Tribunal should have authority, in any case in which an arrangement for that purpose can be made, either to apportion the head rent, or to indemnify a holding, called on to pay more than its share, by cross rights of distress against the other holdings.

13. The main obstacle, however, to the working of the Purchase Clauses is, as all the witnesses concur in stating, the circumstance that, under the present arrangements, there is no sufficient inducement for a tenant to purchase his holding at any price at which the owner would be likely to sell it. The law has given to the tenant the right of applying to a court which hitherto has almost invariably reduced his rent, and it has conferred on him a practical fixity of tenure, and for 15 years at the same rent, together with the right of selling his tenancy. On the other hand, the conversion of the tenancy into ownership would, for 15 years at least, hardly give to the tenant any higher rights than he at present possesses; while the terms at present proposed for the conversion are such as would subject him from the outset to a yearly charge greater in amount than that which he now bears in the shape of rent.

14. The position of the tenant will be made more clear by an example. A tenant who pays for his holding 50 *l.* a year, agrees with his landlord to buy the holding at 20 years' purchase. For this he will therefore have to provide 1,000 *l.* According to the provisions of the Act he must himself find one-fourth of this amount, or 250 *l.*, and the Government will advance the remaining three-fourths, or 750 *l.* Assuming that he borrows the 250 *l.*, it must be taken to cost him not less than 5 per cent., and the Government advance is repayable by instalments of 5 per cent., spread over 35 years. Under these two heads his annual payment will amount to 50 *l.* But to this must be added the payments for poor rate and county cess, which will fall upon him as owner, and over above what he would pay as tenant, which on an average over Ireland must be placed at not less than 5 *l.* (Godley, 578.) The tenant would thus be subject to an annual charge of not less than 55 *l.*, being an increase of 5 *l.* or upwards above his present rent.

If the holding were sold at 24 years' purchase, the annual payment would be 65 *l.*, or 15 *l.* above the present rent.

15. There is a concurrence of testimony that no scheme for converting tenants into proprietors which requires the tenant to pay down a portion of the purchase money, or to pay a yearly instalment greater than his rent, is likely to be successful; but that, on the other hand, if these difficulties could be avoided, there would be a very general desire on the part of the tenants to become purchasers.

16. The Committee have had, therefore, to consider whether these difficulties can be avoided, and whether this can be done without loss to the State.

17. The Committee are aware that it has been suggested that the judicial rents of holdings should be fixed, as a test of their value, before public money is advanced for their purchase. They think, however, that there are many reasons against insisting on a judicial settlement of rent as a preliminary, and that a sufficient test of value can be obtained without it. Several months, or even years, might elapse before the case of a holding, the tenant and owner of which were prepared to buy and sell, might come on for hearing. It is to be supposed that very many tenants in Ireland have no desire or intention to litigate the question of rent with their landlords, and would deprecate any rule that forced them to do so. And in other cases, one of the inducements most likely to lead a landlord and tenant to treat for a sale would be the desire, on both sides, to avoid the uncertainty, expense, and irritation of a contentious inquiry as to rent before the Land Commission.

18. The Committee are of opinion that the advances of the State for the purpose of facilitating purchases should be made at the rate of 3 *l.* per cent., and that the repayment should be by annual instalments of 3½ per cent., spreading over 66 years, or of 4 *l.* per cent., spreading over 46 years, whichever term may be selected for the operation. They think that the landlord and tenant should be left to agree as to the capital sum to be paid for the holding, and that the Land Tribunal should be authorised to advance the whole of the purchase money, subject to the conditions for the protection of the State which are hereinafter mentioned.

19. The Committee will consider, in the first place, the effect which an arrangement on this basis would have on the position of the tenant, and will then examine the security for repayment which would be obtained by the State.

20. Taking the case previously supposed of a tenant paying a rent of 50 *l.*, and agreeing with his landlord for a sale at 20 years' purchase, the tenant would make to the State an annual payment of 35 *l.*, being 3 *l.* 10 *s.* per cent., or of 40 *l.*, being 4 *l.* per cent. on 1,000 *l.* He would also be liable for 5 *l.* already assumed to be the additional taxation falling on him as owner. His annual liability would therefore be 40 *l.*, or 45 *l.* (as the case might be), or a reduction of 10 or 20 per cent. on his present rent, with the advantage of any possible increment to the value of the property.

21. Supposing the landlord and tenant to have agreed to a sale at 22 years' purchase, the annual instalment to be paid by the tenant would, on the same basis of calculation, be 38 *l.* 10 *s.* or 44 *l.*, making with the amount of additional taxation a yearly charge of 43 *l.* 10 *s.* or 49 *l.* If the agreement was for 24 years' purchase, the annual instalment would be 42 *l.* or 48 *l.*, and the total charge on the tenant 47 *l.* or 53 *l.*

22. The Tribunal should in every case be satisfied that the sum to be advanced is not in excess of the value of the interest sold; and the State would obtain a further and very substantial security, defined and elevated for the first time by the recent statute into a fixed interest in the land, namely, the interest of the tenant. This interest would be in most cases more than the margin which is deemed adequate in the most carefully selected mortgages. The interest of the tenant in Ulster, as is well known, sells for prices varying from 10 to 30 years' purchase and upwards. But the Committee have had evidence before them that in other parts of Ireland, where tenant right has not been recognized pre-

viously to the Act of 1881, the tenant's interest has, since that Act, sold for prices varying from 7 to 17 years' purchase and upwards. (Scott, 2922—2933.)

23. The Committee may further observe that Mr. Godley, who, under the Irish Church Commission, conducted with much success the largest conversion that has occurred in Ireland of tenants into owners of their holdings, gave it as his opinion to the Committee that the whole purchase money might be advanced by the State, and the repayment spread over a number of years so as not to increase the annual payment of the tenant, and that this might be done without any loss to the State. (Godley, 609—611.)

24. Some apprehension has been expressed as to the effect of withdrawing from Ireland a large annual payment representing the aggregate of the instalments due to the State for advances in respect of purchases. The Committee do not consider that under the most favourable circumstances the magnitude of the operation at any one time would be so great as to lead to any serious consequence of this kind. Mr. Commissioner Vernon, however, laid before the Committee a detailed proposal, to which they attach much weight, for the creation of a stock which might be issued under conditions which would lead to its being held locally, and being used as an investment in Ireland, and which might thus both tend to counteract the evil apprehended, and also itself become an element on the side of order. (Vernon 4191—4215.)

25. The Committee do not at present consider it to be desirable to express any opinion on the subject of arrears of rent now existing, except so far as such arrears are connected with the purchases of holdings. It is obvious that no arrears ought to be left unprovided for after a purchase, and in order that this may be effected they recommend that, where landlord and tenant agree, the arrears due on a holding before the 1st November 1881, not exceeding in all three half years, may be capitalised and added to the purchase money to be advanced by the State, all other arrears being thereby cancelled.

26. If a scheme such as the Committee have indicated is adopted for facilitating purchases by tenants of their holdings, it may be expected that it will be largely made use of, and that a very considerable amount of work will arise; and it will be necessary that this work should be done by a public Court or Department, always accessible, and specially adapted for the transaction of this particular kind of business. The Land Commissioners are now, and may be expected for some years to be, fully occupied with appeals and other contentious business, and it is not possible that they can give that continuous and immediate attention which is indispensable to the success of the administrative work of a great land Department. The Committee strongly recommend that the contentious business under the Act of 1881 should remain with the Land Commissioners, but that the working of the Purchase Clauses should be assigned either to the Landed Estates Court, with a suitable expansion of its powers and machinery, or to a new Department created for the purpose.

27. In carrying into effect the changes thus recommended, and the financial operations connected with them, some not inconsiderable expenses of management would necessarily be incurred. Looking at the great public object to be attained, it might well be contended that those expenses should not be borne locally. But if any difficulty should arise on this score, there would be much ground for proposing the application for the purpose of an adequate portion of the surplus of the Irish Church Fund.

28. The Committee further think that if Parliament should, in order to meet a great national difficulty and danger, adopt measures which may lead to the conversion into proprietors of a large number of tenants in Ireland, the opportunity should be taken of raising the procedure between the tenant, the owner, and the Department, out of the ordinary rules which obtain on the occasion of sales and mortgages, more especially as regards costs.

A short statutory form of conveyance to the tenant and mortgage to the State should be provided; the provisions of the Record of Title in Ireland should, if possible, be amended or enlarged, so as to embrace the titles when passed; a cheap system of local registry and transfer should be adopted; the costs both of landlord and tenant, once the landlord has delivered a complete abstract

abstract of his title, should be covered by one small fixed charge, and the stamp duty on the transaction of sale and charge should not be required.

29. The Committee have reported the conclusions to which the evidence given before them appears to lead. It is right at the same time to observe that the evidence has been limited to the particular questions referred to the Committee, and that they have not thought it to be part of their duty to enter upon the more general considerations by which the action of Parliament will doubtless be materially influenced. The proportions which, within any given period of time, the operations above indicated should assume; the amount of the funds that should from time to time be placed at the disposal of the Tribunal for such purposes; and the sources from which these funds should be drawn, are questions of policy not falling to the determination of the Committee, and outside the scope of the evidence which has at present been submitted to them.

30. And the Committee have directed the Minutes of Proceedings and the Evidence taken before them, up to the present time, to be laid before your Lordships.

28th April 1882.

# ORDER OF REFERENCE.

*Die Veneris*, 24° *Februarii*, 1882.

LAND LAW (IRELAND).

*Moved*, That a Select Committee be appointed to inquire into the working of recent legislation in reference to land in Ireland, and its effect upon the condition of the country (The Viscount Hutchinson); objected to; and, after long debate, on Question, *agreed to*. Committee appointed accordingly.

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*Die Veneris*, 24° *Februarii*, 1882.

Land Law (Ireland): Select Committee on: *Moved*, That the Lords following be named of the Committee:

| | |
|---|---|
| Duke of Norfolk. | Earl Clarendon. |
| Duke of Somerset. | Earl Cairns. |
| Duke of Marlborough. | Viscount Hutchinson. |
| Marquess of Salisbury. | Lord Tyrone. |
| Marquess of Abercorn. | Lord Carysfort. |
| Earl of Pembroke and Montgomery. | Lord Kenry. |
| Earl Stanhope. | Lord Penzance. |
| | Lord Brabourne. |

After debate, *agreed to*: The Committee to meet on Tuesday next, at One o'clock, and to appoint their own Chairman.

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*Die Lunæ*, 6° *Martii*, 1882.

The Duke of Sutherland added to the Select Committee in the room of the Earl of Clarendon.

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*Die Lunæ*, 13° *Martii*, 1882.

The Evidence taken before the Select Committee from time to time to be printed for the use of the Members of this House; but no copies thereof to be delivered, except to Members of the Committee, until further order.

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## LORDS PRESENT, AND MINUTES OF PROCEEDINGS AT EACH SITTING OF THE COMMITTEE.

### *Die Martis*, 28° *Februarii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Norfolk. | Earl Cairns. |
| Duke of Marlborough. | Viscount Hutchinson. |
| Marquess of Salisbury. | Lord Tyrone. |
| Marquess of Abercorn. | Lord Carysfort. |
| Earl of Pembroke and Montgomery. | Lord Kenry. |
| Earl Stanhope. | Lord Penzance. |
| | Lord Brabourne. |

Order of Reference read.

It is proposed that the Earl Cairns do take the Chair.

The same is agreed to.

The course of Proceeding is considered.

*Ordered*, That the Committee be adjourned till Tuesday next, at Twelve o'clock.

### *Die Martis*, 7° *Martii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Norfolk. | Earl Cairns. |
| Duke of Somerset. | Viscount Hutchinson |
| Marquess of Salisbury. | Lord Tyrone. |
| Marquess of Abercorn. | Lord Carysfort. |
| Earl of Pembroke and Montgomery. | Lord Kenry. |
| Earl Stanhope. | Lord Penzance. |
| | Lord Brabourne. |

The EARL CAIRNS in the Chair.

Order of the House of yesterday, adding the Duke of Sutherland to the Committee, in the room of the Earl of Clarendon.

Order of adjourment read.

The Proceedings of the Committee of Tuesday last are read.

The following correspondence between the Earl Cairns, Chairman of the Committee, and the Right Honourable W. E. Forster, M.P., is read:—

"My dear Mr. Forster, "28 February 1882.

"The Select Committee appointed by the House of Lords to inquire into the working of the Irish Land Act, 1881, of which Committee I am Chairman, are desirous at the commencement of their inquiry to have the benefit of your evidence, and they have directed me to communicate with you (before any more formal intimation is given), for the purpose of ascertaining at what time it would be most convenient to you to attend one of their meetings. The Committee propose to meet again on Tuesday next, March 7, at 12 o'clock, but they would be glad to make arrangements to receive you at any other time that might be more convenient to you.

"The Committee wish me to add, in order to prevent misunderstanding, inasmuch as it appears to have been stated that the proceedings of the Committee may affect the judicial administration of the Act, that the Committee do not consider it to be within the scope of

the reference made to them by the House to inquire into the question of the correctness of any decision which the Land Commissioners, or the Sub-Commissioners, in the exercise of their judicial functions, may have arrived at.

"I am, &c.
"(signed) *Cairns.*"

"Right Honourable
"W. E. Forster, &c. &c., M.P.

"My dear Lord Cairns, "Limerick, 1 March 1882.

"I only this morning received your letter respecting my attendance to give evidence before the Lords Committee on the Land Act.

"As soon as I get back to London I will write you again, but I fear important official business will detain me in Ireland for a few days; and I am sure you will not be surprised at my saying that I think I ought to communicate with my colleagues before sending you a definite reply to your letter.

"I am, &c.
"(signed) *W. E. Forster.*"

Copy of Telegram from Right Honourable W. E. Forster, M.P., to the Earl Cairns.

"Since writing to you I have learned views of my colleagues, and most respectfully say I cannot consent to attend Committee."

The following Witness is called in, and examined, viz., Mr. *Denis Godley*, C.B. (*vide* the Evidence).

*Ordered*, That the Committee be adjourned till Thursday next, at Twelve o'clock.

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## *Die Jovis*, 9° *Martii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Norfolk. | Earl Cairns. |
| Duke of Somerset. | Viscount Hutchinson. |
| Duke of Sutherland. | Lord Tyrone. |
| Marquess of Salisbury. | Lord Carysfort. |
| Marquess of Abercorn. | Lord Kenry. |
| Earl of Pembroke and Montgomery. | Lord Brabourne. |

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The following Witnesses are called in, and examined, viz., Mr. *Denis Godley*, C.B., and Mr. *Hugh Steward Moore* (*vide* the Evidence).

*Ordered*, That the Committee be adjourned till Tuesday next, at Twelve o'clock.

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## *Die Martis*, 14° *Martii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Norfolk. | Earl Stanhope. |
| Duke of Somerset. | Earl Cairns. |
| Duke of Marlborough. | Viscount Hutchinson. |
| Duke of Sutherland. | Lord Tyrone. |
| Marquess of Salisbury. | Lord Carysfort. |
| Marquess of Abercorn. | Lord Kenry. |
| Earl of Pembroke and Montgomery. | Lord Penzance. |
| | Lord Brabourne. |

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Thursday last are read.

The following Witness is called in, and examined, viz., Mr. *Thomas George Overend* (*vide* the Evidence).

*Ordered*, That the Committee be adjourned till Thursday next, at Twelve o'clock.

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## *Die Jovis*, 16° *Martii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Norfolk. | Earl Cairns. |
| Duke of Somerset. | Viscount Hutchinson. |
| Duke of Marlborough. | Lord Tyrone. |
| Duke of Sutherland. | Lord Carysfort. |
| Marquess of Salisbury. | Lord Penzance. |
| Earl of Pembroke and Montgomery. | Lord Brabourne. |

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The following Witnesses are called in, and examined, viz., Mr. *Simon Little* and Mr. *Charles Uniacke Townshend* (*vide* the Evidence).

*Ordered*, That the Committee be adjourned till Tuesday next, at Twelve o'clock.

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## *Die Martis*, 21° *Martii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Norfolk. | Earl Cairns. |
| Duke of Somerset. | Viscount Hutchinson. |
| Marquess of Salisbury. | Lord Tyrone. |
| Marquess of Abercorn. | Lord Kenry. |
| Earl of Pembroke and Montgomery. | Lord Penzance. |
| Earl Stanhope. | Lord Brabourne. |

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Thursday last are read.

The following Witness is called in, and examined, viz., Mr. *Murrough O'Brien* (*vide* the Evidence).

*Ordered*, That the Committee be adjourned till Friday next, at Twelve o'clock.

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## *Die Veneris*, 24° *Martii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Norfolk. | Earl Cairns. |
| Duke of Somerset. | Viscount Hutchinson. |
| Marquess of Salisbury. | Lord Tyrone. |
| Marquess of Abercorn. | Lord Carysfort. |
| Earl of Pembroke and Montgomery. | Lord Kenry. |
| Earl Stanhope. | Lord Brabourne. |

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The following Witnesses are called in, and examined, viz., Mr. *George Fottrell*, jun., and Mr. *Robert Orr* (*vide* the Evidence).

*Ordered*, That the Committee be adjourned till Tuesday next, at Twelve o'clock.

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## *Die Martis*, 28° *Martii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Norfolk. | Earl Stanhope. |
| Duke of Somerset. | Earl Cairns. |
| Duke of Sutherland. | Viscount Hutchinson. |
| Marquis of Salisbury. | Lord Tyrone. |
| Marquis of Abercorn. | Lord Carysfort. |
| Earl of Pembroke and Montgomery. | Lord Kenry. |
| | Lord Brabourne. |

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Friday last are read.

The following Witnesses are called in, and examined, viz., Mr. *John William Scott* and Mr. *John Young* (*vide* the Evidence).

*Ordered*, That the Committee be adjourned till Thursday next, at Twelve o'clock.

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## *Die Jovis*, 30° *Martii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Norfolk. | Earl Cairns. |
| Duke of Somerset. | Viscount Hutchinson. |
| Duke of Marlborough. | Lord Tyrone. |
| Duke of Sutherland. | Lord Carysfort. |
| Marquess of Salisbury. | Lord Kenry. |
| Marquess of Abercorn. | Lord Brabourne. |
| Earl of Pembroke and Montgomery. | |

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Friday last are read.

The following Witness is called in, and examined, viz., Mr. *Edward Falconer Litton*, Q.C. (*vide* the Evidence).

*Ordered*, That the Committee be adjourned till Tuesday, 25th April, at Twelve o'clock.

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## *Die Martis*, 25° *Aprilis*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Norfolk. | Earl Cairns. |
| Duke of Marlborough. | Viscount Hutchinson. |
| Duke of Sutherland. | Lord Tyrone. |
| Marquess of Salisbury. | Lord Carysfort. |
| Earl of Pembroke and Montgomery. | Lord Kenry. |
| Earl Stanhope. | Lord Brabourne. |

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Thursday, 30th March, are read.

The following Witnesses are called in, and examined, viz., Mr. *Justice O'Hagan* and Mr. *John Edward Vernon* (*vide* the Evidence).

*Ordered,* That the Committee be adjourned till To-morrow, at Twelve o'clock.

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## *Die Mercurii,* 26° *Aprilis,* 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Norfolk. | Earl Cairns. |
| Duke of Marlborough. | Viscount Hutchinson. |
| Marquess of Salisbury. | Lord Tyrone. |
| Earl of Pembroke and Montgomery. | Lord Kenry. |
| Earl Stanhope. | Lord Penzance. |
| | Lord Brabourne. |

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of yesterday are read.

The following Witness was called in, and examined, viz., Mr. *John Edward Vernon* (*vide* the Evidence).

*Ordered,* That the Committee be adjourned till Friday next, at Twelve o'clock.

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## *Die Veneris,* 28° *Aprilis,* 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Norfolk. | Earl Cairns. |
| Duke of Marlborough. | Viscount Hutchinson. |
| Marquess of Salisbury. | Lord Tyrone. |
| Earl of Pembroke and Montgomery. | Lord Carysfort. |
| Earl Stanhope. | Lord Kenry. |
| | Lord Brabourne. |

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Wednesday last are read.

The following Witness is called in, and examined, viz., Mr. *J. Stanislaus Lynch* (*vide* the Evidence).

A DRAFT REPORT is laid before the Committee by the Chairman.

The same is considered, Amendments are made therein, and the Draft Report as amended is *agreed to* (*vide* the Report).

*Ordered,* That the Lord in the Chair do make the said Report to the House.

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# *Die Martis, 7° Martii,* 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of NORFOLK. | Earl CAIRNS. |
| Duke of SOMERSET. | Viscount HUTCHINSON. |
| Marquess of SALISBURY. | Lord TYRONE. |
| Marquess of ABERCORN. | Lord CARYSFORT. |
| Earl of PEMBROKE and MONTGOMERY. | Lord KENRY. |
| Earl STANHOPE. | Lord PENZANCE. |
| | Lord BRABOURNE. |

THE EARL CAIRNS, IN THE CHAIR.

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MR. DENIS GODLEY, C.B., is called in; and Examined, as follows:

1. *Chairman.*] YOU have had, as we know, long official experience in Ireland; when were you appointed Secretary to the Church Temporalities Commission?
On the 1st of January 1870.

2. Do you still continue Secretary to that Commission?
That Commission now forms part of the Land Commission, and I am Secretary of that Commission, in so far that I am Secretary of the Land Commission, in which it is now included, the two being one.

3. They are incorporated?
They are.

4. May we ask you what is the salary of the office?
The salary of my present office is 1,000 *l.* a year.

5. That is for the complete office?
For the complete office.

6. Would you be good enough to state to the Committee what are the duties of your office as Secretary to the Land Commission?
In the first place, the whole of the correspondence comes into my department; it is then divided amongst the several branches of the office, some going to the Registry, some going to the Church Property Department, and some going to the Accountant's Branch; in fact, to the various branches of the office.

7. Perhaps it would be convenient if you could give us the branches or departments into which the office is divided?
There is the Secretariat proper, the Judicial Registry, the Records, the Accounts, the Purchase and Sale of Land, the Legal Department, and the Church Property Department.

8. Earl *Stanhope.*] Are the Records and the Registry the same?
No.

9. *Chairman.*] Is there a head to each of those departments?
There is.

10. What is the office of the head called?
In the Secretary's Department, under me, is the Assistant Secretary.

11. You are the head of the Secretariat Department?

Yes, and I have a general superintendence of all the other departments. The head of the Accounts Branch is called the Accountant; the head of the Judicial Registry is called the Registrar; the head of the Records Department is called the Keeper of the Records; the head of the Church Property Branch is called Superintendent of Church Property; and the head of the Purchase and Sale of Land Department is called the chief agent under Part V. of the Act.

12. Were the appointments of the heads of those departments all new appointments for the Land Act, or were they taken over from the Church Temporalities Commission?

The Accountant was an officer under the Church Temporalities Commission; the Superintendent of Church Property was our Collector under the Church Temporalities Commission; the Registrar is a new appointment; the chief agent for the sale of land under Part V. of the Act was an officer under the Church Temporalities Commission; the Keeper of the Records is a new appointment.

13. What is the system on which the business of the office is conducted?

The first operation of the day is the arrival of the letters, and they are distributed amongst the several branches to the heads of the different departments. As far as the correspondence goes, most of the drafts of the letters are submitted to me for inspection before they are written from all the departments, but in many cases they are not; that is to say, when the head of the department is so sure of what he is about that he does not think it necessary to consult me; but the important letters from all the branches are always submitted to me for my approval. Then the letters are written in the different departments, and they all come up to me for signature before the post goes out at night; so that the Secretary has a general superintendence of everything that leaves the office by having all the letters, whether the drafts have been approved by him or not, under his observation at night before they go out.

14. Then I suppose we may take it that the extent of the superintendence which you exercise over the other departments is that of your superintendence of the letters?

Not only that. Every one of the heads of the departments comes and consults me personally upon every point upon which he has any difficulty, or which he thinks of importance, besides sending me his letters to sign, or the drafts of his letters to approve, and I have a great deal of business in that way.

15. Is the Land Commission Court a court of record?

Under the 3rd Sub-section of the 48th Section of the Act, "all proceedings before the Land Commission shall in law be deemed to be judicial proceedings before a court of record."

16. What books of record are kept in each department; I do not speak of the books in the Accounts Department; those would of course be books of account?

In the Secretary's Department there is a letter book in which all the important letters are copied; and in all the departments there are books of that sort. Then in the Judicial Registry there are books for entering all the cases which follow the service of originating notices. I am afraid I could not give you a list of all the books that are kept there.

17. Marquess of *Salisbury.*] Does not that come before you?

I am afraid I cannot recollect at this moment all the books that are kept, but I can give you an idea of them.

18. *Chairman.*] Perhaps we might save you trouble by asking you to confine your attention for a moment to what may be called the Department of the Chief Commissioners, the department in which they preside; would you call that the Judicial Registry?

Yes; in their judicial capacity the registry is their principal office. Their orders are made up and recorded in the registry.

19. Then

19. Then all their orders would be in the books of the Registry?
Yes.

20. Marquess of *Salisbury*.] And the proceedings on which those orders were founded?
Yes, they would all be in the Registry. I have had a memorandum made of the business of the Judicial Registry which, with the permission of the Committee, I will read: "The Judicial Registrar's Department comprises three branches under the general control and superintendence of the Registrar: 1. General Office, 2. Assistant Registrar's Office, 3. Affidavit Office, 4. Registrar's Office (personal). The business of No. 1 consists in the reception of all originating and other notices forming steps in the proceedings in each case; the entry of these and of all orders made in the several cases in the county case books; the keeping of the files of each case until disposed of or sent for adjudication. The business of No. 2 consists in the preparation of all the lists of cases for hearing before the Chief or Sub-Commissioners, sending out the notices of hearing to all parties to or appearing as interested in, every case; the answering of all inquiries connected with the proceedings in the cases, and the general practice of the Commission and the progress of business; the care of all documents in cases withdrawn, dismissed, and postponed from Sub-Commissions. The business of No. 3 consists in the receiving and filing and care of all affidavits and notices of motions to the Court, the recording of all orders made in cases not actually pending in Court (*e.g.*, orders made as to services of notices required by Rules 82 and 87); keeping a record of all notices of appeals and preparing the lists of appeals for the hearings and the receiving and custody of all surveys required for such appeals; the reception, stamping, and delivery of all copies of orders bespoken by the public, and the preparation and delivery of all copies of affidavits so bespoken. The business of the Registrar consists primarily in the preparation of the daily lists of cases; of attendance in court on each day on which the Court or a Commissioner sits, taking down notes of all proceedings in court and all orders made, and transcribing the same; drawing up every order in proper form; entering and filing same, and generally in superintending and giving all necessary directions as to the business of the department, and answering all special inquiries, and giving such information as is constantly required by professional men and the general public."

21. *Chairman*.] What is the name of the Registrar?
Mr. Smith.

22. Was he an officer of the Church Temporalities Commission?
No; he is a new appointment.

23. What is his profession?
He is a barrister.

24. With regard to communications between the Chief Commissioners and the Sub-Commissioners; do they pass through your office or through the Judicial Registry?
Through the Secretary's Office.

25. Are they in the form of letters?
They are all in the form of letters.

26. I rather gathered from what you read that what you term the "originating notices" come up to Dublin and are in the Judicial Registry Office first?
I thought that was a question likely to be asked, and I made a memorandum of the progress of an originating notice through the office, which I think will answer your Lordship's question. The secretary, or his clerks, upon receiving the notice, marks it by a stamp, with the date upon which it was received, and sends it without delay to the Registrar's Department, where the substance of the notice is entered in the county register of applications. Notices are entered and numbered according to the date of receipt, and the cases are remitted to the Sub-Commissioners for adjudication in the like order.

27. Lord *Tyrone.*] May I ask whether that has been the rule from the first?
It has.

28. Has it been adhered to from the first?
So far as possible it has. I cannot say that there have been no exceptions; exceptions are now made in cases of evictions. If it is proved to the satisfaction of the Commissioners that a man has been evicted, and that his time of redemption is running out, they would take that case up at once, so that the man should have his judicial rent fixed before the period of redemption had run out, with a view to the sale of his holding. That is considered convenient in the interests of both landlord and tenant.

29. Marquess of *Salisbury.*] When was that order made?
That order has been in operation for, I should think, the last two months; but I cannot speak with absolute certainty as to that.

30. *Chairman.*] How does that order work; must a tenant who is evicted apply to the court in Dublin to have his case taken out of its turn?
That is, no doubt, the formal way of doing it, with notice to the opposite party; but I do not think the Commissioners require that. If they are satisfied that the man is evicted, and that the time of redemption is running out, they would then order his case to be taken up out of its turn.

31. But who moves them to order it?
An application from the tenant would cause inquiry to be made.

32. Then does the tenant make the application without notice to the other side?
The Commissioners would not take his case out of its turn without notice to the other side.

33. Is the application made to the Commissioners or to the Sub-Commissioners?
To the Commissioners; the Sub-Commissioners have nothing to say to it.

34. Have the Sub-Commissioners any power to change the order of cases?
None. A printed list of cases is sent down to them from the court in Dublin to each town in which they are to sit, and they have no power to alter the order. When those cases come before them, they have power to adjourn them for proper cause; but they must hear the cases in their order.

35. They must call the cases on in order?
Yes.

36. And if there is reason for adjourning one case you say they can do it?
Yes.

37. Lord *Penzance.*] Is the matter that you have just been speaking of embodied in an order, or is it only the practice of the Commissioners?
It is only the practice of the Commissioners.

38. You mentioned an order; there is no order drawn up to that effect?
No.

39. Marquess of *Salisbury.*] Is there a special order in each case, or is it done informally by a letter from you; do the Commissioners formally order that case B. shall be taken before case A., or do you simply write down that you think it more convenient that case B. should be taken before case A.?
There is no special order; it would be done by letter. Both parties would be informed that, in consequence of the Commissioners being satisfied that an eviction had taken place, and that the period of redemption was running out, the case would be taken out of its turn.

40. Would there be a record in the Minute Book of this order on the part of the Commissioners?
No, that would be in the shape of a letter.

41. *Chairman.*]

41. *Chairman.*] I do not think you quite understand my noble friend's question; but I gather from what you said just now, that the list of cases is made out in Dublin?

Yes.

42. Therefore, is it the case that the Commissioners, if they see by reason of an eviction, any ground, as they think, for changing the order, make the alteration themselves in the list in Dublin before the case is sent down into the country?

Yes, or they would add a name to the list if they were satisfied that an eviction had taken place.

43. But the list when it leaves Dublin is settled in the order in which the cases are to be heard in the country?

Exactly.

44. Therefore the list itself would be the record?

Yes.

45. Marquess of *Salisbury.*] But then they alter the list after it has left you?

Only in a very special case; as a rule, the list sent from Dublin is the list of cases; the instances in which any change is made are very few indeed.

46. Lord *Brabourne.*] Is eviction the only instance of exception to the general rule of taking the cases by priority of application?

I think so. It is difficult for me to recollect, because there have been some cases in which there were other exceptional circumstances; but the rule is to take cases in their order as they are received, and not to change the list.

47. It would not be done in case of excessive rental, or excessive hardship, or anything of that kind?

Certainly not.

48. Marquess of *Salisbury.*] What notice does the landlord receive of the change, if the list is changed?

Where there is a change made that would be communicated.

49. But I mean what notice does the landlord receive before the case comes on?

That I could not say. The moment the application is received and acceded to, the landlord would be communicated with; and if the landlord showed reason why the case should not be taken out of its turn; for instance, if the tenant had misinformed the Commission, then the case would not be put into the list.

50. *Chairman.*] How often are those lists for the counties made up, and sent down into the country?

Three weeks before the sitting of each Sub-Commission the list of the cases that will be heard is printed and circulated, and that printed list is sent to all the parties concerned, that is the landlord and the tenant, or the solicitor of either party.

51. So that they ought to have, at all events, three weeks' notice?

Yes. Perhaps at the beginning of the Commission they may not have had so much, because things were not so well managed; but now I think that a case is never tried without three weeks' notice. The lists are circulated in print three weeks before the hearing.

52. Lord *Penzance.*] Do I rightly understand you that when these cases are put out of their order, which sometimes happen, it is always done in consequence of some public application to the Commissioners?

Not a public application, but if a tenant wrote to the Commissioners stating that he had been evicted, then, if the Commissioners were satisfied that it was so, they would order his case to be remitted to the Sub-Commissioners out of its turn.

53. Would they do that without communicating with the landlord?
No, they would communicate with the landlord; but if the Commissioners were satisfied that the eviction had taken place, and that the time of redemption was running out, I think that even if the landlord objected they would still send that case for trial.

54. But would they give the landlord notice, so that he might question the fact?
Certainly.

55. Duke of *Norfolk.*] Would the landlord have any opportunity of urging an objection to its being taken out of its course?
Yes.

56. Marquess of *Abercorn.*] Would they at all times give a landlord sufficient opportunity to get a valuator down?
It would be a good reason, I think, for the Sub-Commissioners adjourning the case if they were satisfied that the landlord had not had time to do that.

57. *Chairman.*] Supposing that after the list has gone down into the country, giving, as you say, three weeks' notice, a tenant applies or writes to your office and says, "I have been evicted and my time is running out, and my case will not be heard, in the natural course of things, until after the time of redemption is passed, and I beg that it may be heard at the next sitting of the Sub-Commission;" in that state of things, after the list has gone down to the country, would the Commissioners in Dublin make a change in the list and insert names upon it which had not been inserted before?
They would be very reluctant to do that. I think that if the man had only been just evicted, and there were six months to run before his period of redemption had passed, they would only take care that his case should be tried before the period of redemption had expired. But if the period of redemption was almost gone, for instance, if it was in the sixth month, they would then add his name to the list rather than that the period of redemption should expire before his case was heard.

58. Marquess of *Salisbury.*] But then there might be less than a month's notice to the landlord, there might be a very short notice?
If the period of redemption had almost gone, I think they would, no doubt, remit that at once.

59. And they would shorten the notice to the landlord in order to bring the case on before the period of redemption had expired?
Yes, I think they would.

60. Has there ever been less than a fortnight's notice to the landlord?
I should be afraid to say; there is such an enormous number of these cases.

61. Has the case happened very often?
Having regard to the enormous number of cases and objections and correspondence of all sorts that come before me, I could not pledge myself absolutely; but I can only tell you what the general practice is.

62. Have the Commissioners ever acted upon threats of eviction?
No.

63. *Chairman.*] Can you state whether, in point of fact, there has been any case where there has been an eviction as to which there has not been an opportunity of trying it before the time for redemption ran out?
I do not think there has been any case in which a man's period of redemption had expired and his interest was gone.

64. You have not heard of any case of that kind?
No. I think I ought to add that the Commissioners have the power of extending the period of redemption.

65. Is that under their Act or under the general law?
I think that, under their own Act, they have the power of extending the period

period of redemption ; and it is in the interest of the landlord as well as of the tenant, that they should not exercise the power which they would be called upon to exercise if the period of redemption was run out, and if the hearing of the case was not coming on ; because that exercise of power would merely leave the question between the landlord and the tenant pending.

66. Lord *Tyrone.*] Was not that so only in cases that came forward on the first hearing ?

No ; they have the power under all circumstances.

67. Marquess of *Salisbury.*] Have they ever exercised the power of extending the period of redemption ?

I think they have, certainly.

68. Have you any list of the cases in which that has been done ?

No ; but now that I reflect for a moment, I think that the Commissioners have extended the period of redemption upon terms ; that is to say, supposing that the tenant owed three or four years' rent, they would extend the period of redemption on condition that he paid, within a fortnight, one year's rent.

69. *Chairman.*] We have seen reports of that kind in the papers, that the Commissioners have extended the period of redemption on terms of paying down a certain portion of the arrears of rent ?

It has been done.

70. You have spoken of the county lists which are sent down to the Sub-Commissioners in the country ; supposing that the Sub-Commissioners proceed at one of their sittings with that list, and hear, we will say, a dozen or two dozen cases, leaving a good many unheard, what becomes of the residue ?

They are " remanets," and the rule is to take them first at the next sitting of the Sub-Commissioners in that town.

71. Marquess of *Salisbury.*] I suppose the size of the list is proportioned to the amount of time which the Sub-Commissioners are supposed to have at their disposal ; you do not send down all the cases that there are in that particular district, but only so many as you think, within the time that the Commissioners are sitting, they will be able to dispose of ?

We send more than we should if it was a certainty that they would all be heard. For instance, we send 50 cases down, knowing that the Sub-Commission would not be able to try more than 25 ; but that is in case those that come first on the list should drop out of it ; lest the Assistant Commissioners should get through the list too fast.

72. But still there may be 200 more for the same district ?

Certainly.

73. Lord *Brabourne.*] I suppose the Sub-Commissioners might sometimes make private arrangements with regard to the cases ?

The Sub-Commissions must exercise a certain discretion.

74. *Chairman.*] After the list is sent down, when a case is settled between landlord and tenant without the intervention of the Court, what is done with that case, is it struck out of the list ?

If the landlord and the tenant come to the Sub-Commissioners and say that they do not wish to go on with the originating notice, having agreed out of Court ?

75. If they should say that they do not wish to go on, if the tenant wishes to withdraw the case, or if he and his landlord come to terms about the altered rent, what is done ?

What the Commission insist on is that the originating notice shall be withdrawn with the consent of both parties, notified to the office in Dublin. If they delay making that notification to the office in Dublin, and merely go before the

Sub-Commissioners, saying that they have consented, in that case probably the Sub-Commissioners would merely adjourn it; they would not hear anything then.

76. Would they adjourn it?
I do not know what the technical term would be; but they would certainly not hear it.

77. But that hardly meets the question that I want an answer to. I was supposing that there was a list of 50 or 60 cases before a particular Sub-Commission, and that towards the end of the sitting three or four of the cases are settled between landlord and tenant; do they remain on the list as active cases, that is to say, cases that have to be heard; or is any steps taken to strike them out and get rid of them?
It depends upon how the parties act. They can come in and agree to a rent before the Sub-Commissioners, and then if they come forward and state that they have agreed, it is registered as being made by consent of the Court, and it becomes an order of the Sub-Commissioners.

78. And they put the Court in possession of the facts?
Yes, we have a regular form for that. A consent order is made. There are two ways of getting the rent fixed out of Court; they can agree upon a judicial rent upon one of our forms which is sent direct to the head office, in which case they do not go to the Sub-Commissioners at all; another way is that when an originating notice has been served and there is a suit pending, they can go to the Sub-Commissioners and get the rent which they have agreed upon made an order of Court, and the Sub-Commissioners then send it up to us at the head office.

79. Lord *Penzance.*] And that is an end of the suit?
That is an end of the suit.

80. *Chairman.*] It has been stated that there have been cases in which the Sub-Commissioners have taken five or six cases out of one property and adjudicated upon them, and then passed over other cases upon that property and gone to another property and taken five or six cases out of that; is that consistent with your knowledge?
The Sub-Commissioners must follow the list which we send to them.

81. Supposing that there is a list of 50 cases, and that there are 10 cases belonging to one property at the top of the list, would they take a few cases belonging to that property and pass over the remainder?
I should think certainly not. I have not heard of any such cases.

82. Marquess of *Salisbury,*] Do they send up an account of all they do day by day?
Yes, every day.

83. Lord *Brabourne.*] If they did such a thing as that, would they be acting contrary to the orders of the Chief Commissioners?
Yes, the orders of the Chief Commissioners are to take the cases straight down, except that if one landlord happen to have two or three cases at the top of the list and two or three cases further down, I presume that, with the consent of all parties, they might try all those cases together.

84. But without such consent they would go regularly through the list?
Without such consent they would go through the list in its regular order.

85. Viscount *Hutchinson.*] Would they send up an account every day of what they had been doing?
Yes.

86. Is there any particular form in which that account is sent up?
They send up all their orders.

87. *Chairman.*] Is the order which they have actually made the form in which they send up the account of their proceedings?

They

They send up three things to us; they send up the originating notice which has begun the suit; they send up a minute of order; and they send up an order. The minute of order contains statistics for the use of the office.

88. Will you hand in samples of the minute of order, and of the order?
Yes. (*The same are handed in.*)

89. Is the originating notice kept in Dublin?
Supposing that the tenant commences the suit, he serves one copy of the originating notice upon the landlord; he sends one copy to Dublin and keeps one copy himself. The copy that he sends to Dublin is sent down to the Sub-Commissioners, and then it comes back with the minute of order and the order. The three papers come back together.

90. Before you part with it, do you not keep a copy in your Record Book in Dublin?
The substance of the originating notice is entered in the County Case Book.

91. Only the substance?
Only the substance.

92. Lord *Brabourne.*] Then is the minute of order the account of the reasons of the Sub-Commissioners, or the statistics upon which they have founded their decision?
No, it is not.

93. *Chairman.*] In the minute of order there are two items, viz., "Tenement Valuation in Originating Notice," and "Tenement Valuation admitted by Consent;" what is the difference between those two?
I presume that if the tenant who ought to insert the tenement valuation in the originating notice has omitted to do so, the tenement valuation might be admitted by both parties and handed in to the Sub-Commissioners.

94. Or if it had been erroneously inserted?
Yes, that would be another reason.

95. But the tenement valuation is an official document, is it not?
Yes, but the tenants sometimes fill up their own originating notices.

96. This being an official document, what necessity is there for the words "admitted by consent"?
Perhaps the tenant having omitted to fill in the valuation at the proper place, the Sub-Commissioners may not at the moment have the means of doing it themselves, and then they would ask both parties, and would take evidence, I presume, as to what the valuation was.

97. Then there is an item here, "Value of tenancy, £ ;" is that always filled up?
I do not think they always fill that up. I think the Act and the Rules permit the suitors to call upon them to fix the tenancy.

98. It is not a necessary ingredient in the judgment?
I think not. I think the words of the Act are, that on the application of the parties they may fix the value of the tenancy.

99. Lord *Tyrone.*] Is there any item in any of these forms stating what is the value of the tenants' improvements that are taken notice of by the Sub-Commissioners' Courts?
No.

100. There is no provision made for giving a return of that sort to the Chief Commissioners?
There are so many rules that it is difficult for me to recollect them all.

101. *Chairman.*] There does not seem in that minute of order to be any reference to improvements at all?
No; I cannot be certain, but I do not think that there is any record in the

decisions that come up at present to the head office of the value that the Sub-Commissioners put upon the tenants' improvements.

102. Lord *Tyrone.*] I did not ask whether there was any record, but whether there was any provision made to furnish a record in any of the returns?
I think not.

103. Marquess of *Salisbury.*] It is not put down on paper, then, at all, that the tenants' improvements have or have not formed part of the considerations on which the fair rent was fixed?
I think not, but I will inquire into that.

104. Is there any formal notice of claim on the part of the tenant as to the amount which he requires his rent to be reduced by reason of improvements?
No, that is a matter of evidence before the Sub-Commissioners.

105. He does not previously make any allusion to his improvements?
No, that is all a matter of evidence; he supports his view of the case by evidence before the Sub-Commissioners.

106. Does he give the landlord no notice of what improvements he intends to claim as his own?
No.

107. Lord *Penzance.*] Is the landlord, when he comes into Court, entirely ignorant of the mode in which the tenant is about to support his claim?
Entirely.

108. He does not know whether it is in respect of certain improvements, or, if so, what the value of the improvements is, or when they were made?
No.

109. It is a general claim for reduction of rent, to be supported by such evidence as the tenant chooses to put forward at the last moment?
Exactly.

110. *Chairman.*] Does it not strike you that there may be some difficulty hereafter, in consequence of this practice; supposing, for instance, that a particular improvement had been lately made upon a holding, and that the Sub-Commissioners made a reduction in respect of it, from what otherwise would be the rental of the property, the 15 years, which I believe is the judicial term, run out, and there is a new fixing of the rent at the end of the term; then how would it be ascertained at the end of the 15 years whether this item of improvement lately made was or was not taken into account in fixing the rent upon this occasion, so that it might not be taken into account a second time?
I have not considered that, and I could not give you an answer to the question.

111. Lord *Penzance.*] But according to your present impression of the mode in which the matter is now conducted, if it becomes important, subsequently, to look back upon what has been done upon any of these occasions, there is no means of ascertaining from the documents whether the Commissioners have taken into consideration any improvements, or, if they have, of the value of the improvements which they have taken into their consideration?
My present impression is that there is not.

112. Lord *Tyrone.*] It has been stated, as you know, here, that this court is a court of record; would not that, in your opinion, be clearly one of the points which ought to be recorded?
It has been presented to me for the first time, and I do not think I should like to say so at once, because if the Commissioners decided otherwise, I am of course bound to think that their decision is right. I would rather not give an opinion upon the point in fact. I have nothing to say to the fixing of judicial rents.

113. Lord *Brabourne.*] But you can state that the practice and the rule of the Act of 1870, by which a tenant seeking compensation for improvements was obliged

obliged to send in a statement of claim to his landlord, is not the rule under this new Act?

It is not.

114. Earl *Stanhope.*] Has that provision of the Act of 1870, obliging the tenant to give notice to the landlord of his claim for compensation, been repealed or altered in any way by the late Act?

I presume, if I am right in saying, that there is no paper put forward on which their improvements are stated, that no notice is taken of that section in the Act of 1870.

115. *Chairman.*] I should like to know exactly what the practice is; can you tell us whether there is any practice with regard to requiring a tenant before the trial to furnish particulars of the improvements which he alleges were made by him or by his predecessors in title?

There is nothing called for from him on paper; that is a matter of evidence upon the trial.

116. Before the trial is there no practice which obliges the tenant to specify some details upon that subject, or can he be called upon by an order of the Court to do it?

An order of the Court can be made requiring particulars from either the landlord or the tenant.

117. What is that order?

An order of the Court requiring particulars to be furnished. The Court has that power.

118. Viscount *Hutchinson.*] Have they exercised the power in certain cases?

I think they have.

119. It is not in the rules, I think?

I do not recollect that it is.

120. I think it is only an order of the Court made in a particular case?

Yes; I think that is so.

121. *Chairman.*] Is this the order that you refer to, the 99th Order: "Either party may demand from the other, before the hearing of such application, and, if necessary, may apply to the Court for particulars of the case intended to be made either as to increase of value by means of improvements, or diminution of value by dilapidation of buildings or deterioration of soil?"

The 99th Order refers to an application to vary the amount of the specified value of a tenancy. The order I above referred to is merely an order made in a particular case when brought into Court.

122. How does that work? Supposing that the landlord wants to obtain from the tenant particulars of the improvements that he intends to rely on, he must apply to the Court in Dublin?

He must apply to the Court in Dublin; because, although I do not think it is the custom, I have known one or two cases in which the landlord has required from the tenant a statement of the improvements in respect of which he claimed that the rent should be reduced, and I think the tenant disregarded them, and was entitled to disregard them unless there was an order from the Court requiring him to furnish them.

123. Then the tenant is at liberty to disregard any personal application to him, and the landlord must apply to the Court in Dublin?

Yes, and the Court, if it thinks fit, may make the order.

124. He must, I suppose, instruct counsel to make that application?

Yes, I think so.

125. And in every case does the Court then make the order on an application?

I suppose that it must be for the Court to consider whether it is reasonable or not. I should think they do not make it in every case.

126. Marquess of *Salisbury.*] Would the hearing of the principal case be deferred until the decision on this matter had been arrived at?
I should say, certainly, that in any doubtful case in which there was a matter pending, the head Commission would send down instructions to the Sub-Commissioners to postpone the hearing until the point above was decided.

127. *Chairman.*] What was the practice under the Act of 1870 on this point?
I cannot tell you.

128. Lord *Penzance.*] In point of fact, are such applications often made?
No.

129. Do you know of any such applications being made?
Yes, I have heard of some, but they are very few.

130. Marquess of *Salisbury.*] I suppose they are very expensive?
I do not think so. Of course they cannot instruct people in Dublin to make such an application without incurring some expense; but I should not think that the expense was heavy.

131. *Chairman.*] You are not aware that in a case of a claim under the Act of 1870, in respect of disturbance and improvements, it was necessary to give a month's notice of what the improvements were which were relied upon?
I am not.

132. Then at present, unless the landlord applies to the Court in Dublin for particulars of improvements, according to your view he goes into court without knowing what case the tenant may make as to any improvements which he or his predecessors at any time past may have made?
Yes.

133. Have the Court in Dublin laid down any rule as to the value of the holding for which they will make these orders; have they decided that they will not go below a particular value?
I think not.

134. It has been stated that the Court in Dublin said that they would not order particulars where the holding was not over 12 *l.* in value; is that so?
That may have been said in Court, but I have no information upon the subject.

135. Marquess of *Salisbury.*] There is no record of it?
No.

136. Supposing that before the Sub-Commissioners a tenant produced a claim in respect of improvements, and the landlord said, "I never heard of these improvements before," would the Sub-Commissioners grant an adjournment for the purpose of getting evidence?
I should think they certainly would.

137. Lord *Penzance.*] But you do not know whether that happens?
I know, of course, that there are cases which have been adjourned when points have been raised which the Sub-Commissioners thought required an adjournment; but whether this particular case which you state has been one of them I do not know.

138. *Chairman.*] Supposing that the landlord succeeds in obtaining an order from the Court for the particulars of improvements, has he to pay the costs of applying for that order?
I should think he certainly had to do so.

139. With the great experience that you have of these matters, and especially under the Church Temporalities Act, would there, in your judgment, be any difficulty in appending to an originating notice a schedule stating what were the improvements in respect of which the tenant claimed a reduction; of course, with liberty to amend it upon proper reason being shown?

There is no doubt that such a statement as that might form part of the originating notice; but whether it is desirable that the tenant should give it, I have not considered. I suppose the Commissioners considered that before they drew up the forms.

140. Marquess of *Salisbury.*] You would rather wait to know the Commissioners' opinion?

I must not commit them.

141. *Chairman.*] I suppose there would be nothing to prevent a rule of that kind being made by the Commissioners?

The Commissioners may draw the notice in what form they please.

142. Take the case of a purchaser under the Encumbered Estates Court, with reference to this point which we are considering now; he buys property that he is wholly unacquainted with; he knows nothing of the history of the property, and he gets a clear title to it; and his tenant brings him into Court and asks for a reduction of rent, and when he comes into Court claims in respect of improvements made for many years past; how can the purchaser, under the Encumbered Estates Court, meet a case of that kind?

He can have no knowledge of what those improvements are. I am afraid I can see no way of his meeting such a case, except that, when the evidence is produced, he may furnish counter evidence if he has it.

143. Marquess of *Salisbury.*] If he has never heard what the claim is going to be, he cannot furnish counter evidence when the evidence is produced?

I suppose it is his business to furnish a complete statement of the circumstances of the holding to the Sub-Commissioners, so as to enable them to judge as to what their decision should be.

144. Duke of *Norfolk.*] Is there any rule by which any party can stay proceedings or adjourn the case for the sake of getting up further evidence?

No, not without an application to the Court.

145. The Sub-Commissioners are not obliged to consider such an appeal?

No, they have a discretion in the matter.

146. *Chairman.*] Supposing that there was an adjournment, I presume that it would add considerably to the costs of the proceedings?

Of course; the counsel, and solicitors, and witnesses would all have to come up again.

147. Lord *Tyrone.*] Are you aware that under the Act of 1870 the onus of proof of improvements was thrown upon the landlord?

No, I am not.

148. Under these circumstances, considering that this Act and the Act of 1870 must be read together, if a landlord cannot prove the improvements either to have been made by himself, or contributed to by himself, would not those improvements be taken as having been made by the tenant?

I do not know; but I suppose the Sub-Commissioners have to consider that when the case comes before them.

149. But is it the case, under this Act, that the landlord must prove the improvement to have been made by him, or, that if he does not do so, they will be taken as having been made by the tenant?

I do not know that that is so; I cannot tell you how the Sub-Commissioners understand that point.

150. *Chairman.*] You are happily relieved from the task of having to administer the Act in that way?

It is not any part of my business.

151. Marquess of *Salisbury.*] It has not come before you in any way?

No.

152. *Chairman.*] You do not know whether that has been decided or not; in other words, whether the presumption of the Act of 1870 has been carried on into this Act.

I do not know.

153. Marquess of *Salisbury.*] And no notice has been given to the landlord to enable him to rebut this presumption?

There is no notice given to the landlord of the improvements which the tenant alleges to be his property. Of that I am confident.

154. *Chairman.*] Supposing that the presumption in the Act of 1870 is carried on into this Act, do you not think that that affords a still greater reason for the tenant specifying what are the improvements that he claims to have made; and is there not the more necessity for the landlord knowing beforehand what are the improvements which the tenant relies upon.

Possibly.

155. To return, for a moment, to the Books of Record in the Judicial Department; are they open to public inspection?

The public can apply for copies of orders.

156. Can they get office copies?

They can be supplied on payment of a prescribed fee.

157. There are certain fees, I suppose, laid down?

There are.

158. Lord *Penzance.*] Is it the case that not only those who are interested in a particular case, but anybody, may obtain a copy?

I think the rule says anybody; but as a matter of fact, of course, only those who are interested apply for copies.

159. *Chairman.*] Is it the subject of a rule?

Yes; Rule No. 43, which is as follows:—"Certified copies of documents, other than Affidavits, required from the Land Commission, shall be certified by an officer of the proper department. Certified copies shall, except under Rule 42, be paid for at the rate of three halfpence per folio of 72 words."

160. But that does not state who can get the copies?

No. Then there is a specified fee of 1 *s.* necessary upon a certificate of a judicial rent being fixed. That is under another rule.

161. Can you tell us whether, as a matter of fact, one of the public can go and get an office copy upon paying for it?

I do not think there is anything to prevent anybody getting a copy of a document upon paying for it. But it would be necessary to engage a number of new clerks if everybody was entitled to copies of documents in the office; and there must be some discretion as to who shall be furnished with copies, and some reason given, in fact, for the application.

162. Lord *Tyrone.*] Are all the books of record entered up to the present date.

Yes, they ought to be, so as to be kept abreast of what is going on. There may be some arrears of two or three days; but the rule is that everything should be kept up to the day; for instance, those originating notices that come in are all entered upon the same day that they are received.

163. And all cases are entered in the books so as to ensure a record being kept?

Yes, every case.

164. Earl *Stanhope.*] May I ask whether you correct the official judgments which are delivered in open Court?

I have nothing whatever to say to them. The Registrar's business I take to be to take notes of the statement made by the Judge, and he draws that up and transcribes it, and makes it into a formal order.

165. But when a judgment is delivered it is corrected in the office, is it not, before it becomes official?

No, I do not think so. My belief is that the custom is that a judge corrects his own judgments, if it is to be reported. A judgment and an order are quite different things.

166. I wanted to refer to one particular judgment lately delivered by Mr. Justice O'Hagan, in which he used the words "live and thrive." In the official copy of that judgment did those words occur?

There is no official copy of it. It was not a judgment; it was an opening address.

167. *Chairman*] Has there been more than one set of General Orders made?

Since the Book of Rules was published there have been, I think, eight additional rules made.

168. Are they all on one subject?

No, they are on many subjects. The first was dated the 19th of October 1881: "It is ordered that owing to the pressure of business, applications to get the benefit of the 60th section of the Act on the first occasion on which the Court sits, be designated by a symbol or stamp in the county book, in each case in which a ruling is made that the same stand adjourned, to be disposed of on a hearing thereof."

169. Lord *Penzance.*] These Rules were made from time to time?

Yes, they were. The next was dated the 19th October 1881. "It is ordered that the sitting of the Court, commencing Thursday the 20th of October instant, do extend to and include Saturday the 29th October 1881; and that such sitting for the puposes of the 60th section of the Land Law (Ireland) Act, 1881, be the first occasion on which the Court will sit." Then the next was to extend the time of the first occasion of sitting again, and it is as follows:—"It is this day, Thursday the 27th day of October 1881, ordered that the sitting of the Court, commenced on Thursday the 20th October instant, forming the first occasion on which the Court sits, do extend to and include Saturday the 12th November 1881, and that the order bearing date the 19th day of October 1881 be varied accordingly." The next is with regard to the appointing of Assistant Commissioners for one year, and is dated the 9th of November 1881: "It is this day ordered that Assistant Commissioners who may be appointed from this date until the 1st day of March 1882, inclusive, shall, as hereafter provided, hold office respectively for one year from the date of their respective appointment, subject to the provisions of the Land Law (Ireland) Act, 1881: Provided that the regulations as to tenure of office hereinbefore contained shall not apply to any Assistant Commissioners who may, during the period aforesaid, be appointed in the room of an Assistant Commissioner heretofore appointed, whose office may become vacant, in which case the Assistant Commissioner shall hold office for the same period as the person in whose room he shall have been appointed might have done. And it is ordered that the 16th General Order of the 1st day of October 1881 be varied so far as is necessary to give effect to this order, but no further."

170. Were the Assistant Commissioners appointed for a year only?

Some of them. There were a certain number appointed for seven years, and the others were appointed only for the year. Then the next is dated the 12th of December 1881: "It is this day ordered that in all cases in which cause is shown pursuant to Rule 62 against the transfer of the proceedings from the Civil Bill to the Land Commission, the notice showing cause shall be served within the time therein limited upon the Land Commission in the usual way by letter addressed to the secretary, and sent through the post, as well as upon the opposite party." Then the next is dated the 17th of December, and it is as follows:—"It is this day ordered that the solicitor for the appellant in all cases where a question of the value of the holding is involved, when giving notice of appeal, do transmit to the Land Commission, together with such notice, the sheet of the Ordnance Survey Map, showing the holding and also certified extract from the revised valuation books of the lands that are the subject of the appeal." The next order, which is dated the 2nd of January, is an order enabling people to serve notice through the post office in disturbed districts, and it is in these words: "It is this day ordered that from and after this date, where the holding in respect of which notice of intention to sell the tenancy

is, by the Rules 82, 85, 86, and 87, required to be given, is situate within any district for the time being prescribed under the 'Act for the Better Protection of Person and Property in Ireland,' service on the tenant of notices, Nos. 13, 14, 15, and 17, or any of them, may be effected on such tenant by sending to him a copy of such notice and a copy of this order, by letter through the post office, addressed to him at his usual residence, and by posting a copy of such notice on the petty sessions court-house of the district in which the holding is situate, and such service shall be deemed good service of such notice, provided the party on whose behalf such notice is served, or his solicitor, shall make and file, in the office of the Irish Land Commission, an affidavit, stating that the address to which the notice has been posted is the correct address of the party required to be served, and stating the county, barony, poor law union, and electoral division in which such holding is situate, and that such place of residence is within a district which has been, and is at the time of such service, prescribed as aforesaid, and that the posting of such notice throughout the post, and posting of a copy thereof on such petty sessions court-house as aforesaid, have been duly effected on the respective dates mentioned in such affidavit." Then, on the 5th of January, the following Order was issued:—"It is ordered that from and after this date, in lieu of so much of Rule 22 as provides that the Court may at all times extend the time prescribed by their rules for serving notices or doing any other act, the following rule be substituted: The Court shall have power to enlarge or abridge the time appointed by the rules, or fixed by any order enlarging time, for doing any act or taking any proceeding upon such terms (if any) as the justice of the case may require, and any such enlargement may be ordered, although the application for the same is not made until after the expiration of the time appointed or allowed." That was made, I think, in order to allow people who had been prevented from appealing time in which to come in.

171. *Chairman.*] It enlarges the time for appealing?
Practically it does.

172. Has the time for appeal in certain cases been enlarged under this rule?
I do not think so. I do not recollect any application being made.

173. Are there any forms made under the 50th section of the Land Act which says, "The Land Commission shall, from time to time, circulate forms of application, and directions in the mode in which applications are to be made under this Act"; that is to say, the forms about notices, and so on?
Yes.

174. Will you be kind enough to hand in to the Committee a complete set of all the orders which have been issued under that section?
Certainly; it will, in fact, be those orders which I have just read, in addition to this book of rules (*handing in the same*).

175. Marquess of *Salisbury.*] Have they not been laid before Parliament, in accordance with the Act?
They have.

176. Lord *Brabourne.*] Did I correctly understand you to say that, with the exception of the three documents which you handed in, the Chief Commissioners have no record of the facts upon which the Sub-Commissioners come to any decision?
I know of no other papers that come in from the Sub-Commissioners as a matter of course, unless they are required. As a matter of course these papers come in each day according as an adjudication is made; a copy of the originating notice, the minute of order, and the order.

177. But have the Sub-Commissioners themselves records in full of the facts?
I know they have, because whenever they have been applied to in special cases I find that they have most ample notes of everything that they have done.

178. There is a great difference in a case of that kind between an official record

record taken at the time and a gentleman's notes with which he refreshes his memory of one case among fifty others. Do you know whether the Sub-Commissioners have an official record of the facts, as taken at the time, or whether, in the event of a subsequent reference to them, they have only notes with which to refresh their memories?

My belief is that they keep accurate notes each day of their proceedings. I know by experience that whenever they are called upon to give any account of any particular case they at once furnish ample information upon that case; but as to whether they consider those notes, taken down day by day, official or not, I cannot tell you. I only know that they produce them whenever asked for.

179. *Chairman.*] Is there a record kept of the evidence taken before the Sub-Commissioners, or the Commissioners, by a shorthand writer or other such person?

There is no shorthand writer attached to the Sub-Commissioners. The head Commission have, on special application to the Treasury, obtained leave to employ a shorthand writer both in lease cases (that is, cases in which application is made to set aside leases made since 1870) and in cases of appeal, but in the ordinary proceedings of the court there is no shorthand writer employed.

180. Then who takes the notes of the evidence before the Sub-Commissioners?

If anybody takes it, they have got a sub-registrar attached to each Sub-Commissioner.

181. You say "if any one takes it;" does he take it?

He is not required by the head Commissioners to send in a report every day of the evidence taken. It is most probable that for the satisfaction of his own immediate chiefs he would take some notes of the evidence as it goes on, but I do not know whether that is the business of the registrar or not.

182. Do the Sub-Commissioners, or any of them, take a note of the evidence?

I think that the legal Sub-Commissioner takes notes of the evidence as he goes along.

183. Have the notes of the legal Sub-Commissioner ever been produced or made available?

I do not know that his notes specially have been made available, except in the way which I mentioned just now, that when we have asked for explanations of statements we always find that they have taken notes of the proceedings of each day.

184. How do you find that?

Because they are always ready to furnish a full explanation of any case which is demanded from them.

185. When the Commissioners hear an appeal, is the evidence given *de novo* before them?

Yes, certainly.

186. The same witnesses are examined again?

They re-hear the case.

187. They do not proceed upon the evidence taken before the Sub-Commissioners?

No, they have not got it before them. No evidence is taken down before the Sub-Commissioners which would be available for the use of the Court of Appeal.

188. Marquess of *Salisbury.*] Where something has been observed personally by a Sub-Commissioner himself as part of the materials upon which a case has been determined, do the Chief Commissioners in re-hearing the case require the Sub-Commissioner to state as evidence that which he has himself observed, and upon which the decision of the Sub-Commissioners was founded, as where, for instance, a Sub-Commissioner has gone upon the land?

They have not done so in any of the cases which they have heard as yet. The evidence of the Assistant Commissioners who heard the case which

is the subject of appeal, has never, so far as I know, come up before the Head Commissioners when they are hearing the appeal; they heard the appeals of Belfast, and there was no question upon which the Assistant Commissioners came to make any explanation.

189. Even where the Sub-Commissioners themselves have made observations for the purpose of deciding upon the case?
No, I think there was nothing of the sort upon the hearing of the appeal cases.

190. *Chairman.*] Has it been the practice on the hearing of appeals for the Commissioners themselves to view the holding?
I may say, in the first place, that they have heard very few cases, in consequence of questions which were pending in the High Court of Judicature; but in those cases which they have heard they did not go upon the lands.

191. Marquess of *Salisbury.*] How many appeals have they heard?
They have heard either 36 or 45, I think.

192. Lord *Penzance.*] Where do they sit to hear them?
They sit at different towns, which are laid down in the rules; Belfast, for a certain number of counties, Galway, for a certain number, and so on.

193. Lord *Tyrone.*] How then do the Chief Commissioners judge of the value of the lands if they do not go to see them, and do not get any evidence from the Sub-Commissioners?
Each party re-produces the evidence which was produced before the Sub-Commissioners; and besides that, the Chief Commissioners have a special valuation of the lands made by a special valuer of their own.

194. Marquess of *Salisbury.*] Is new evidence allowed besides that which was offered to the Assistant Commissioners in the first instance?
I do not know. I read the account of their proceedings carefully, and I did not observe that they rejected any evidence on the ground that it had not been previously heard by the Sub-Commissioners.

195. Then if a landlord was taken by surprise by a claim for improvements with regard to which he had not had time to collect evidence, it would be open to him upon the re-hearing to produce that evidence?
That is my impression. I do not know whether there may not be some legal objection to such a course, but my impression is that the Commissioners would hear any evidence.

196. Lord *Penzance.*] It is an entirely new hearing, as you understand it?
It is an entirely new hearing.

197. Marquess of *Salisbury.*] Not in any way limited by the conditions of the first hearing?
My own belief is that it is not; but that is a legal point as to whether any fresh evidence can be submitted to a court of appeal, and my opinion upon that would not be worth anything.

198. *Chairman.*] You do not accompany the Head Commissioners when they go to these different towns?
No, all I have to do with is the administration; I have nothing to say to the judicial part of the business.

199. There are certain instructions, I believe, A. and B., to persons who wish to purchase land; will you hand in those also?
Yes. I have brought I think every form that we have in use.

200. The documents to which I refer are not exactly a form; one is the terms upon which advances may be obtained from the Land Commission, and the other is in relation to sales from landlords to tenants?
I think I have here the form to which you refer (*producing them*).

201. Will you give us the present number of Sub-Commissioners?
Thirty-six.

202. How many of those hold office for seven years?
Twelve.

203. And 24 for one year?
Yes.

204. What is the qualification for a Sub-Commissioner?
Each Sub-Commission consists of one legal and two non-legal members. The legal member, I presume, is selected for his position in his profession, but the Commission have nothing to say to that; that was entirely done by the Government.

205. Is there not a requirement, either in the Act of Parliament or in the rules, as to the technical qualification of the Sub-Commissioners?
There is. The 50th section of the Act of Parliament provides that the Commission may make rules, among other things, as to the qualifications and tenure of office of Assistant Commissioners.

206. It is the 16th and five following rules which refer to the Assistant Commissioners, is it not?
Those are the only rules which deal with the subject of the Assistant Commissioners.

207. "Assistant Commissioners shall hold office until the 22nd August 1888, subject to the provisions of the Land Law (Ireland) Act, 1881. Barristers, solicitors, and persons possessing a practical acquaintance with the value of land in Ireland shall be competent to be appointed to the office"; that is the only place where their qualification is laid down, is it?
That is all that I know of.

208. The section in the Act of Parliament says that the Land Commission may make rules as to the qualifications and tenure of office of Assistant Commissioners?
I thought that the qualifications of the non-legal Commissioners were somewhere stated.

209. Where is the rule which provides that a certain number of Sub-Commissioners should hold office for a year only?
That is one of the extra rules which I have read.

210. When these Sub-Commissioners were appointed, their districts, I suppose, were assigned by the Head Commissioners?
Yes.

211. And the Head Commissioners appoint what Sub-Commissioners shall go to particular districts, is that so?
Yes.

212. What instructions were given, and in what form were the instructions given, to the Sub-Commissioners by the Head Commissioners, with regard to the cases which they were to hear?
There were no instructions given whatever except reference to the Act of Parliament.

213. No instructions were given as to the manner of holding courts?
No. There were some instructions to the Sub-Commissioners as to holding aloof from people of the county and not accepting hospitality, but I presume you do not refer to that; there were no instructions as to their mode of legal procedure.

214. Were those letters passing through your office?
Yes; there was a letter from my office desiring the Sub-Commissioners not to accept hospitality, for instance, and there were also other letters. There was nothing as to the mode of valuation or their proceedings in court.

215. Marquess of *Salisbury.*] There was no letter desiring them to see the land?
No, that is in the rules; that if possible they shall visit the land.

216. *Chairman.*] Would you tell us what rule that is?
Rule 20, is that, "It shall be the duty of the Sub-Commission or of one or more of its members, so far as practicable, to visit in person the holding in any case in which they deem that such visit may conduce to a just decision."

217. That is the only instruction as to visiting the land?
That is the only instruction as to visiting the land.

218. What is the form of delegation of authority by the Chief Commissioners to the Sub-Commissioners?
I can hand that in or send it over. One was sent over to the Attorney General for Ireland to present to Parliament, as I believe; whether he was going to present it as an official document I do not know.

219. Is it the same form in every case?
Yes.

220. Lord *Tyrone.*] With regard to the question which the noble and learned Lord has just asked you, as to the instructions given to the Sub-Commissioners, you say that no instructions have been given?
No instructions with regard to the mode of valuation or as to their proceedings in court.

221. Can you explain then a statement made by a Sub-Commissioner; Mr. Wylie, which was referred to by Lord Carlingford in the House of Lords, as to an imperative rule upon which he had to proceed?
Was he referring to the necessity of visiting the lands?

222. No, not necessarily?
I happen to recollect this case specially, for I think I spoke to Mr. Wylie himself upon that point when I happened to meet him. This is merely my recollection of the conversation; I did not put it down; but I am pretty confident that Mr. Wylie referred to the necessity of the Sub-Commissioners visiting the lands, and also referred to that special rule which has just been read out; I think that was the "imperative rule" to which he referred.

223. Marquess of *Salisbury.*] Should you describe that as an "imperative rule"?
No; I should say that it is certainly not imperative; it is qualified.

224. It is imperative after the fashion of the Highgate oath?
Yes.

225. *Chairman.*] Have the Sub-Commissioners power to call in a professional valuator?
Yes; they have power under the 48th section of the Act to appoint an independent valuator. The Sub-Commissioners have all the powers of the Commissioners for that purpose.

226. Earl *Stanhope.*] They are not limited in the matter of expenses as to anything they may require?
Under the 48th section the expenses must be charged against the parties; there are no public funds for the purpose.

227. *Chairman.*] Sub-section 4 of the 48th section of the Act is as follows: "In determining any question relating to a holding, the Commission may direct an independent valuer to report to it his opinion on any matter the Commission may desire to refer such valuer, such report to be accompanied with a statement, if so directed, of all such facts and circumstances as may be required for the purpose of enabling the Commission to form a judgment as to the subject-matter of such report. The Commission may or may not, as it thinks fit, adopt the report of such valuer, and it may make any such order with respect to the costs incurred in respect of such report as it thinks just." Is that power delegated by the Commissioners to the Sub-Commissioners?
Yes. I know that either under the Act of Parliament or under the rules, or by delegation, the Assistant Commissioners have all those powers which are given to the Commissioners.

228. That must be in the delegation of powers then?
I suppose it is. The delegation does run in that shape.

229. Has there been any case where the Sub-Commissioners have, under that power, called in a valuer?
I think there has; but the cases have been very few. It would not come specially before me, because the Sub-Commissioners appoint this valuer, and make an order for one of the parties to pay his costs. I think they have done it in two or three cases, but not more.

230. Marquess of *Abercorn.*] Is the expense of the valuator charged to the landlord or to the tenant, or to both conjointly?
The Sub-Commissioner can use his own discretion, and give it against either party.

231. *Chairman.*] When cases are to be heard by the Commissioners on appeal, do the Sub-Commissioners make any special report to the Commissioners with regard to the case that is to be heard?
No, certainly not. I should think that the anxiety of the Commissioners would be to go to the re-hearing of the case with their minds absolutely free, without any prepossession either way. The Commissioners would, of course, be able to see the order which had been made by the Sub-Commissioners in each case.

232. Can you give the exact number of the cases of originating notices up to this time?
On Saturday week the number was between 72,000 and 73,000.

233. They go on increasing every week, do they?
Every day.

234. Can you tell us the average rate per week of the increase?
They are coming in even now at the rate of, I should say, from 100 to 150 a day, some days more and some days less.

235. That is about 1,000 per week then?
I should think there would, perhaps, be rather under that. They have fallen off rather lately. At one time we got as many as 10,000 in one day.

236. Marquess of *Salisbury.*] That was just at the beginning?
Just at the beginning.

237. Duke of *Norfolk.*] Have they been decreasing ever since the first outbreak?
I think so.

238. *Chairman.*] Out of that total number, how many have been actually heard?
There is a Parliamentary Paper which will be issued either to-morrow or the next day, which will correct me if I am wrong. I am reluctant to give the figure; but I can give it within a very few. Up to Saturday week, the 28th of February, there have been altogether, I think, about 2,300 cases adjudicated upon by the Sub-Commissioners, and there have been rather more settlements out of court. I think that the whole number of cases decided in one way or another, up to the day I mentioned, has been about 5,300. I cannot be quite certain as to what the proportions were, how many were decided by the Sub-Commissioners, and how many were settled out of court; but I think that they are very nearly half and half.

239. When you say that they were decided out of court, do you mean settlements of which the Court had cognizance afterwards, and which were made the subjects of an order?
They were nearly all agreements for judicial rents on Form 33.

240. Coming before the Court in that way?
Yes, coming into the Head Court and not going through a Sub-Commission at all.

241. Marquess of *Salisbury.*] Of those, how many are appealed against?
On the same date there were something over 700 appeals; but I shall be checked by that Parliamentary Paper of which I have before spoken.

242. *Chairman.*] How many have been heard?
Either 45 or 36, I am not quite certain which.

243. Can you give us any information as to what is the average cost of one of those cases before the Sub-Commissioners?
The legal costs are laid down in a schedule attached to the rules.

244. I mean the costs which really have to be made by one side or the other; by the landlord or by the tenant, including all the professional costs?
I am afraid that I could not hazard even a conjecture upon that, because some of them employ valuers and some do not; some employ country attorneys and some bring down counsel from Dublin to argue their cases; therefore I think it would be quite impossible to give any general estimate of the cost.

245. Are the costs taxed by the officers of the court?
Yes.

246. Are they generally taxed or settled without taxation?
They are taxed by the Sub-Commissioners; they are not taxed in the Head Commissioner's office.

247. Are they taxed by the Sub-Commissioners themselves?
Yes; they are taxed by the Sub-Commissioners, on the application, I presume, of any party; they do not come up to our office.

248. Marquess of *Salisbury.*] Have the Sub-Commissioners a taxing officer?
The Registrar of the Sub-Commissioners would act in that capacity; he would take the Schedule attached to the Rules, and he would see that the solicitors were not charging more than they ought.

249. *Chairman.*] The costs would be the costs of the solicitor or attorney, and of the counsel, if they had one, and the costs of the valuers?
Those costs are checked by the Sub-Commissioners, and, I believe, by their Sub-Registrar; but those costs are now very seldom given; the practice of the Commissioners is that each party abides his own costs, and therefore the matter has not come prominently under my notice for a long time.

250. When you say that the rule of the Commissioners is that each party abides his own costs, what rule do you refer to?
The direction of the Commissioners, which was laid down in one of their judgments in the Appeal Court lately, but they had previously stated their opinion, which, I presume, it was imperative upon the Sub-Commissioners to follow, that the costs should be borne by each of the parties, except under very special circumstances.

251. And that is the course taken now by the Sub-Commissioners?
Yes; costs are not given.

252. But one wants to get at the costs which are borne by each of the parties; somebody has to pay them?
That would not come under the cognizance of myself, or of the Commissioners in any way, except so far as the costs are laid down in this Schedule attached to the Book of Rules.

253. Marquess of *Salisbury.*] The Sub-Registrar taxes costs you say, but the documents upon which he acts are not sent up to the Central Office?
No; I fancy the proceedings would be that the attorney would furnish his bill of costs, and some parts of it would be struck out, and it would be returned to him, and he would present that to the opposite party, if the opposite party had to pay his costs.

254. There is nothing further than that?
No; it is all done by the Sub-Commissioners.

255. *Chairman.*] Have you any idea what the ordinary costs of a case would be; would they amount to 10 *l.*, or 20 *l.*, or 30 *l.*?
I have no idea.

256. Marquess of *Salisbury.*] When you say that it is now the rule that each party should pay his own costs, I suppose that is only in cases that have arisen subsequently to the appeal to the Commissioners?
Before that the Commissioners had informed the Sub-Commissioners that, in their opinion, costs should not be given against either party, as a rule.

257. By letter, through you?
Yes.

258. Could you put that letter in?
I could procure it.

259. Was that a decision which was made upon no special case submitted to them, or after hearing argument, but simply upon general grounds of policy?
Upon general grounds of policy.

260. Have there been any other instructions of a similar kind issued through you without being given in open court?
I cannot recollect at this moment; there may have been some; if any occur to me I will mention them to you.

261. Lord *Tyrone.*] Whilst we are on the question of costs, can you give us any idea of what the cost of the Land Commission staff is for one year?
I can give you the estimate for the next year exactly, because I checked it myself, amongst my other duties. I went through every item; it will be printed in a few days. In case any question should be asked me I have brought the draft of the estimate, but I could not hand it in.

262. That is an estimate for next year I understand you?
Yes.

263. Have you any return of the expenditure up to this date?
Yes, a Supplementary Estimate.

264. Will that be put in too?
That is in print.

265. Have you any return of the amount of money received by stamps, &c.?
No; but that does not come into our office, that goes into the Stamp Office; it is paid into the public Exchequer, but the stamps are issued by the Stamp Office, and the stamp distributors in the county are paid and account to their own superiors for the money; it does not come to us.

266. You could not, I suppose, put in an account of the expenses and the receipts?
No, we could not. One could arrive at an approximation to it, because every originating notice has a 1*s.* stamp; there are 72,000 shillings to begin with.

267. But it would be hardly fair to count them against this year would it, because they may not be heard for five or six years to come?
Those are the receipts so far; I suppose 72,000 shillings have been paid into the public Exchequer.

268. Then you would not receive for the next five years any further on those?
No, certainly not.

269. *Chairman.*] Returning for a moment to a subject that we spoke of a little time ago, viz., the precedence given to particular cases for particular reasons; when an estate is to be sold in the Landed Estates Court (if there are any sales now), would precedence be given to summonses with regard to the holdings on that estate; has there been any application of that kind made?
I think not; I have not heard of anything of that sort.

 270. What

270. What is the course taken by the Commissioners with regard to the interests of mortgagees?

With regard to the proceedings before the Sub-Commissioners, the Commissioners require persons who are interested to be vigilant and look out for themselves; they do not undertake to inform mortgagees when the holdings on any estate come into their court; but on the application of anybody appearing to have an interest they would direct him (although I have not heard of such a case yet) to be served with a notice.

271. Suppose the case of a mortgagee in London of a property in some county in Ireland; he has no communication made to him with regard to any change in the rental, or any proceeding to fix the rentals; supposing that he finds that, after some time, the rent upon which he relied had been materially altered?

The question was before Commissioners, and they decided that they could not undertake to give notice to the persons interested when it was sought to obtain a reduction in the rents of an estate, and that it was the duty of those persons to be watchful, and to inform themselves. But in the case of judicial agreements, in which there are no proceedings in Court, the action of the Commissioners is different; there they advertise. Before a judicial agreement is filed, it is advertised in the newspapers for the benefit of the mortgagees, because the mortgagees could not possibly hear of what was going on, or at least they might not; there being no proceeding in open Court.

272. Marquess of *Salisbury.*] Has the mortgagee a right to come in and say, "This rent is too low; it will not give me sufficient security?"

No doubt that is the object of publishing this advertisement. An advertisement is published, showing in one column the old rent and in another column the judicial rent, so that mortgagees and persons interested may see what the fall is, and then they have an opportunity of coming in, before that agreement is filed, to make objections.

273. *Chairman.*] Where is that advertisement published?

We began by publishing in the "Dublin General Advertiser," "The Times," and the "Scotsman," so as to have a newspaper in each of three countries. But the expense was evidently going to be enormous, because there are a great number of these judicial agreements on Form 33; and it was then decided only to publish them at length in the "General Advertiser" in Dublin, and to send notices to the other papers stating that anybody interested in the reduction of rents in Ireland would find the full list in the "General Advertiser" of such and such a date. We should put short advertisements in the other papers calling attention to the full advertisements in the "Dublin General Advertiser."

274. Marquess of *Salisbury.*] Your short advertisement would simply say that mortgagees in general should buy the "Dublin Advertiser?"

It is furnished gratis.

275. Lord *Tyrone.*] Would it not be possible that great hardship might be inflicted upon mortgagees by the fact of not giving them notice of a case coming before the Court?

No doubt if mortgagees were not vigilant harm might come to them.

276. Supposing that a landlord had some cases on his estate before the Court, and that he had it heavily mortgaged, he might allow those cases to go by default, and therefore the mortgagee, not having had notice, might not appear, and neither the landlord nor the mortgagee appearing, the tenants would have it all their way, would they not?

I do not know that. The Sub-Commissioners, I think, would probably visit the lands and ascertain for themselves what the fair rent was.

277. But might not the fact of his not having information be unfair to the mortgagee?

It depends. If the mortgagees do not look out for themselves no doubt they will suffer.

278. *Chairman.*]

278. *Chairman.*] I suppose you would say that in England a landlord might reduce his rents as between himself and his tenants, and that if a mortgagee has not taken possession he must take care of himself?

Yes, but that would be a very much worse case than in Ireland, where all mortgagees must now be on the alert, and would naturally inquire whether estates in which they were interested were coming into court.

279. Marquess of *Salisbury.*] Do you give information to anybody who asks, as to what is the place in the precedence list of any particular case?

The list is published.

280. The lists that are published, I understand you, are the lists that the Sub-Commissioners are to act upon at the next sitting; but if a mortgagee wished to know when he was likely to be called upon to interfere in defence of his interests, would you tell him how far down on the general list any particular case was?

Certainly, we would give every information that we possibly could. If any member of the public writes to ask for information, if there is the least ground for supposing that it is not mere idle curiosity, we take every trouble to satisfy him.

281. Where, from any reason, the landlord is not sufficiently active in resisting the claims of the tenant, is the mortgagee, if he does get notice, allowed to step into the landlord's shoes, and to appear?

That, I take it, is the meaning of the 48th Rule, which says:—"The Court shall have power, in any proceedings pending before it, to direct any person appearing to have an interest, to be served with notice of the proceedings, and such person shall thereupon have the same rights of appearing, intervening, and being served with notice, as if he had been a person named in the originating notice or proceeding, either as landlord or tenant, and shall, if the court so order, be bound by the proceedings."

282. *Chairman.*] I suppose it would be possible for the mortgagee of an estate in Ireland to make a general application to the court, and say "if there are any originating notices on this property, I put in a claim to be served with notice of them"?

I feel sure the Commissioners would not undertake to serve notices upon such a general application as that, because it would involve a great deal of responsibility.

283. However, you are not aware of the application having been made?

No; there was a correspondence by a person who was either a mortgagee or who represented himself as agent for a mortgagee, in which he asked this very question, whether a general application would be sufficient; and my recollection is that he was answered, that the Commission could not undertake to serve him with such a notice as is provided for in the 48th Rule, except when the particular case came into court.

284. Lord *Tyrone.*] You mentioned that you were on the staff of the Church Temporalities Commission, and that that was amalgamated with this other staff; were all the staff of the Church Temporalities Commission placed upon the other staff?

No, not all.

285. Other gentlemen were brought in before that staff was exhausted?

Yes.

286. Would you tell me why that was done?

I think the Commissioners considered that it would not be an advisable thing to transfer the whole establishment *en bloc*; they picked out those men whom they thought would be most useful to them; the officers of the Church Temporalities Commission had no claim on the Land Commissioners beyond any claim that they had from their merits in their previous service.

287. Certainly not; but when the two staffs were amalgamated I should have

thought that unless there was something against gentlemen serving on the previous staff, they would have been selected before outsiders were brought in?

I think the Commissioners, as I have just said, did not think it advisable to take over the whole establishment.

288. I should like to know whether there was any qualifying examination, or test of fitness applied to the officials?

Yes; they were all, with certain exceptions, required to pass a Civil Service examination; the exceptions are in the case of those who are what they call "gazetted into Schedule B.;" that is done by the Treasury; the Treasury and the Civil Service Commissioners agree as to what situations in public offices are to be gazetted into Schedule B., and then persons who occupy those situations are relieved from the necessity of passing an examination; they are very few, the people who are the heads of the office. I am not alluding to the Commissioners; I myself, for instance, the secretary, was not required to pass a Civil Service examination, and it is the same as regards two or three others.

289. With regard to the record that you were asked about before, I should like to know whether your opinion would be that if there was a statement made of the improvements made by the tenants upon which rents were reduced, such a statement would conduce to a settlement out of court, as showing the landlord and the tenant the lines upon which the Sub-Commissioners acted?

There may be pro's and con's in all these things; it is rather difficult for me on the spur of the moment to make up my mind as to what I should advise in the case, and I think I would rather not give an opinion offhand.

290. I should like to know whether any friction has been caused in the working of the rules, and whether any of the rules have been altered up to the present time?

The first one that strikes me is that rule with regard to enlarging the time for hearing appeals; it was found by experience that it was advisable to enlarge the rules so as to give the court the power of extending the time; that is an instance that strikes me at once; I think the rules that I handed in refer to previous rules in one or two cases; they certainly did in that case.

291. There was a rule made, I believe, that in cases of the sale of interest in a tenant's holding, a fortnight's notice must be served upon the tenant in addition to the writ; has not that rule in the present state of Ireland caused great difficulty?

My own belief is that there have been very few of those cases; no doubt there must have been some, or else the Commissioners would not have made that order, but I think there have been in our office very few applications or notices about sales of tenancies. Form 16 is "Notice of intention to sell tenancy." It does not appear that a copy of that has to be sent to the Commissioners; but my reason for saying that is, that the matter has never come under my own observation at all, and I cannot believe that many cases have happened in the office that did not come under my own observation.

292. I wish to know who prepared these forms?

The Commissioners themselves, and I have no doubt that some of the legal Assistant Commissioners had something to say to it, and also the solicitor. The first two months of the Commission were spent in arranging these rules and forms.

293. Viscount *Hutchinson.*] But all the forms, I suppose, are revised by the Chief Commissioners?

Yes.

294. Lord *Tyrone.*] I wish to ask you for particulars of a circular which was sent round, I believe, through the Post Office, called "Benefits conferred on Irish tenant farmers by the Land Act (Ireland);" you remember the circular?

I remember the circular.

295. Marquess of *Salisbury.*] Has any similar circular been circulated among the landlords?

It was both prepared and circulated before I became secretary; but I recollect the circumstances perfectly well.

296. Lord *Tyrone.*] Was it circulated at the express instance of the Chief Commissioner?

By desire of all the Commissioners.

297. I should also like to know whether you are aware that it was sent to all the post offices throughout the kingdom to be sold?

I think it was?

298. That, we may take it, is the first publication made by the Commission. The second publication was the pamphlet which has been so much talked about; are you aware whether, as I have heard stated, any official in the Land Commission revised that pamphlet?

That I really cannot answer; I do not know. Some time after the thing attracted public attention, it was pointed out to me that it evidently was not a reprint. At first it was believed that the Stationery Office had merely reprinted the original pamphlet, and it was only some time after attention was called to it that it was observed that there was some difference in the heading; but who made that I cannot tell you.

299. You are not aware whether any official besides Mr. Fottrell revised that pamphlet?

No, I am not. To tell you the truth, I expressly refrained from asking the question, because I think Mr. Fottrell himself admits that the pamphlet was his, and I did not see any object in bringing anybody else into it.

300. Lord *Brabourne.*] You do not happen to know what precedent of any other Court this Court followed in sending out a circular to one of the two parties between whom it was going to adjudicate?

No, I do not.

301. You are not aware of any precedent?

No.

302. Lord *Tyrone.*] Was this pamphlet, entitled "How to become the Owner of One's Farm," sent to the Registrar of the Sub-Commissioners?

As I understand, it was sent to each Sub-Commission.

303. To circulate?

For distribution, I think. There was no letter sent with it; in fact, as far as I was concerned, I never heard of the thing. No doubt, when authority was first given for the purchase of these pamphlets, which was the original authority, it was then believed in the office that they should be distributed; but there was no letter sent with them, and the fact of distribution never came to my knowledge; I never heard of it from the day that I unfortunately put my initials to the order until Judge O'Hagan called my attention to it nearly two months afterwards.

304. Marquess of *Salisbury.*] Was not the pamphlet sent up to you when you put your initial to the order?

It was sent up to me, and it lay upon my table, but I unfortunately did not read it.

305. Viscount *Hutchinson.*] You have told us that you know nothing about it, but that the pamphlet went out of the office in a distinctly different form from that in which it went in?

I thought I had explained how that happened. The original order was to purchase so many copies for distribution; that order went to the Stationery Office, and the Stationery Office finding that it was cheaper to print than to purchase, printed it; and then there is no doubt that it underwent some revision; but by whom or from whom I do not know; it was merely some difference in the heading; I do not understand that there was any change made in the substance of the pamphlet; I never read it through, but

my attention was called to the difference in the heading, showing that it had been revised and the proofs corrected; but who revised it and corrected it I know not.

306. Marquess of *Salisbury.*] Do you imagine that it was the revised pamphlet, or the original pamphlet, which was on your table, and to which you put your initials?

It was the original pamphlet.

307. Then it was revised after you had given orders for its circulation?

For its purchase.

308. *Chairman.*] It was broken up into divisions, with a heading for each division, was it not?

The thing as it originally appeared was a collection of leading articles, and it looks now exactly as it looked then.

309. But who could have made those alterations; it was not the Stationery Office that did it?

That I am unable to tell you.

310. Have you inquired about it?

No; I did not think it was advisable to inquire any further.

311. Earl *Stanhope.*] Would you not think it a great breach of discipline in a public office if, after a secretary has signed a document, it is altered in that office?

Of course it should not have been altered. Anything that I authorise should have been circulated in the form in which I authorised it.

312. Marquess of *Salisbury.*] But should you not think it necessary to inquire into that, in order to prevent its happening again, because it may happen in a much graver case. If people are in the habit of altering what you have ordered to be issued, without consulting you, do you not think that that materially affects the efficiency of your office?

There is no doubt that it should not have been done. I cannot put forward any excuse for it.

313. Lord *Tyrone.*] Were any other circulars or pamphlets issued to the tenants besides the two I have mentioned?

I do not recollect any others. I saw the other day in the newspapers that one of the Assistant Commissioners said that he had some information to distribute with respect to the working of the Act, but what it was I do not know. It happened to catch my eye in the newspaper, and I wondered what he was going to distribute, and whether it was that Abstract of the Land Act which I have here, and which there is no doubt was properly sanctioned.

314. Are you aware who selected the Sub-Commissioners?

The Government.

315. Are you aware whether the Chief Commissioners were consulted?

I cannot answer the question, because they did not take me into their confidence.

316. Do you know whether any test was applied to the Sub-Commissioners?

I do not.

317. Viscount *Hutchinson.*] I suppose that a good many people applied for the office of Sub-Commissioner?

Hundreds.

318. Did the applications come direct to you, or did they go to the Chief Secretary's Department?

Several came to me; but the applicants were always told that the Commissioners had nothing to say to it, that the appointment was in the hands of the Lord Lieutenant.

319. Practically, the applications that came to you were forwarded on?
We always told the applicant that he had applied to the wrong person.

320. Lord *Tyrone.*] Will you tell me why the Government valuation is required to be stated on an originating notice?
Because the very first question which is always asked is, "What is your valuation?" and it was thought that it would facilitate matters and push them on if that were stated in the first place. It is the very first question that is asked when there is any question of rent, or anything connected with it.

321. Do you consider that the valuation in Ireland is any guide at all as to rent, speaking from your experience in both capacities?
I think it is a guide in the northern counties, where the valuation is recent; but it is no guide whatever over the greater part of Ireland. I know that in the Church Commission we used always to think that the valuation was a fair rent in the North; but that did not apply to the West and South, or any of those places where the valuation had been made many years ago.

322. And you considered it there no guide whatever?
None whatever.

323. What was the use of putting upon an originating notice what was no guide?
The only answer I can give you is what I have just said. The first question that is always asked, even if people profess not to be guided by it at all, is "What is your valuation"?

324. Lord *Brabourne.*] Was not the requirement likely to convey to the minds of the Sub-Commissioners that that was held by the Government to be some sort of guide?
I do not think so, because the untrustworthiness of the valuation as a guide to rent all over Ireland is so perfectly well known.

325. Marquis of *Abercorn.*] Are you aware that in the opinion of Sir Richard Griffith, the former valuation in the North was at least 15 or 20 per cent. below the letting value?
I was not aware of that.

326. Lord *Tyrone.*] Are there any fees payable to the Inland Revenue besides the 1 *s.* stamp?
Yes, there are adhesive stamps. We require the payments of copies for orders, instead of being paid with money to be paid by stamps, because that prevents any necessity of our keeping amounts of money in the office. We made an arrangement with the Stamp Office by which adhesive stamps specially made for us are sold, and we require copies of orders and things of that sort to be paid for by stamps instead of in money.

327. Have you any idea how much those stamps have realised?
No.

328. Is it true, as has been reported, that there is a question of now making a lease stamp to be affixed to an agreement out of Court?
Yes, there is a question pending now as to that. Are you referring to these judicial agreements?

329. Not to judicial leases, but judicial agreements out of Court?
The Commissioners do not require a Court fee, a 1 *s.* stamp upon such an agreement as that.

330. But do they intend to have a lease stamp put upon it which would cost a great deal more?
That is a question for the Stamp Office to decide. It is an *ad valorem* duty. The Commission wrote to the Stamp Office recommending, as the point was of such importance, that the opinion of the law officers of the Crown should be taken as to whether these judicial agreements required the payment of a stamp duty.

331. Which would add very much, I infer, to the expense?
Yes, very much.

332. That is at present pending, I understand?
Yes, that is at present pending. We sent a considerable time ago to the Stamp Office a letter asking for the opinion of the law officers, but we have never got it yet.

333. If that stamp duty should be put upon these agreements, do you not consider that it would operate very much against the agreements being carried on out of Court?
I cannot say that I think it would operate very much against it, but it would add to the expense. I can hardly suppose that if people thought it advisable to make agreements out of Court, they would be deterred by the expense of the stamp duty; but it does, no doubt, work against it to some extent.

334. And working in that way it would add to the block in the Courts, would it not?
No doubt, if it prevented the judicial agreements being come to.

335. If a statutory term is signed by an agent for a landlord, is that sufficient unless that agent has a power of attorney to do so?
I never heard the point raised before, but it seems to me an important one. I have no doubt that I could get you a proper answer to that question if I consulted the Commissioners upon it.

336. Would you kindly furnish the Committee with the answer?
Certainly.

337. How does a landlord become aware if his tenant's case is withdrawn?
It cannot be withdrawn without the landlord's consent.

338. What proportion of cases listed for hearing are usually disposed of at each sitting of a Sub-Commission?
I am afraid I could not give you an average. I think our object is to put 50 cases in the list, and sometimes they are all got through; but sometimes there is a considerable number remaining over. I am afraid I could not give you what the average number is; it must vary immensely according to the circumstances; for instance, in some cases before they give their decisions the Commissioners go long distances to visit the farms.

339. In cases of dispute as to acreage, is there a provision made for a surveyor, an officer of the court, to go down and survey?
No, the only provision in the Act is for a valuator; I do not think there is any provision for a surveyor.

340. Are you aware how disputes as to acreage are settled?
I suppose that that would be a matter for the consideration of the Sub-Commissioners. I should say that they might possibly go upon the land themselves and arrive at some conclusion.

341. Have you any idea how long it would take to hear all the cases at present pending with the present staff?
I have not. The adjudications are very much more rapid now than they were. There was a return made up of the decisions of the Sub-Commissioners up to the 28th of January, and there was another return I think up to the 24th of February; and there were very nearly as many cases decided in that three weeks or a month as had been decided in the previous four months, showing that matters were going much faster and that the thing worked much more easily. And the County Court Judges I think have disposed of their cases much more quickly than the Sub-Commissioners.

342. Viscount *Hutchinson.*] Have very many cases come before the County Court Judges?
Yes.

343. Is there any return of those cases?
Yes (*producing a Return*). This has been presented to Parliament.

344. The Return that was presented the other day, showed some 13,000 and odd cases that had been decided; those cases were exclusive of the cases that came before the County Court Judges?
I said, I think, that altogether 5,300 cases had been disposed of; that includes the cases decided by the Sub-Commissioners, the cases that have come before the County Court Judges, and the voluntary settlements out of Court. But I guarded myself against those figures which I have given being taken as absolutely accurate. It will be in a Parliamentary Paper, which I think is to be published either to day or to-morrow.

345. Lord *Tyrone.*] From the evidence that you gave to the noble Lord in the Chair just now, I suppose there is no doubt that there is a block in the Courts from the number of cases listed for hearing altogether?
There are a vast number of cases in Court, no doubt; but to say that there is an absolute block, would, I think, perhaps be going too far. The cases are now being decided very much more rapidly than they were, and I can hardly say that there is a block now; of course there is a block in every Court when there is a vast deal of business in it.

346. Do you consider that there is any likelihood of the cases now put down for hearing being heard within five years?
Yes, certainly, I do. I think that the cases in Court now will be settled in very much less time than that.

347. Viscount *Hutchinson.*] Do you anticipate that they will all come before the Courts, or that there will be a great increase of voluntary settlements?
I anticipate a very great increase of voluntary settlements.

348. Lord *Brabourne.*] Do you not think that the decisions given in certain appeals recently will probably have the effect of bringing people to voluntary settlement who may have been waiting?
I have no doubt of it; and when the Court of Appeal has sat and decided some cases, in the light of the recent decision of the High Court of Justice in Ireland, there will be a largely increased number of settlements out of Court.

349. Lord *Tyrone.*] Supposing then, that, contrary to your expectation, there should be a block in the Courts, which I believe is the idea of a great many gentlemen in Ireland, would you think it advisable that it should be got over as far as could be by hearing the urgent cases first?
Every man thinks his own case is most urgent.

350. I have heard it suggested that an urgent case might be considered a case in which the rent had been raised within a certain specified time; would you consider that a proper definition?
My own idea would be that no cases should be considered urgent except those cases in which the tenants have been evicted.

351. Are you aware how the question of poor rates is dealt with in fixing the judicial rent of a farm?
I believe the poor rate is payable just in the same way as it was before.

352. Are you aware whether the amount of the poor rate is taken into consideration or not?
I must assume that the Assistant Commissioners do take it into consideration.

353. Have any judicial leases been taken out yet?
I think not one, but I am not quite certain.

354. Do you think that the taking out of a judicial lease would be any advantage to either the landlord or the tenant?
The case not having come up at all as yet, I have not directed my attention to it.

355. With regard to reclamation, is it true as stated in the Rules, that the amount advanced for reclamation purposes is limited to 100 *l.* as a minimum?
I have no recollection of any sum being mentioned in the Rules.

356. This is the Board of Public Works Land Law (Ireland) Act, and it says here, "Conditions to which loans will be subject. No loan will be granted for less than 100 *l.*, nor will any loan be granted for a greater sum than five years of the annual value of the holding, to be charged with the repayment of the loan." Were you aware of that fact?
That was a circular of the Board of Works; we have nothing to say to that.

357. Viscount *Hutchinson*,] Has there been any correspondence between the Land Commission and the Board of Works upon the subject?
I believe this is altogether a matter that has been decided between the Board of Works and the Treasury. So far as I know, the Land Commissioners have never been consulted in the matter at all.

358. Lord *Tyrone*.] The Land Commissioners have nothing to do, I understand, with that part of the working of the Act?
Nothing whatever.

359. Viscount *Hutchinson*.] Not with the reclamation clauses?
There is something about reclamation; I have hardly had time to look at it with great attention, but I have never heard of the thing coming before the Land Commissioners, and I do not think it ever has, and, from a cursory inspection of the Section, I do not think it could.

360. Lord *Tyrone*.] Then I understand that you are not aware that the Land Commission have anything to do with the advances for reclamation?
They have not.

361. Viscount *Hutchinson*.] With regard to the question of notice which you spoke about just now, you say that the Court gives notice to the parties interested at a certain time before the suit is supposed to come on for hearing; to whom is the notice sent on the landlord's side?
Either to himself or to his solicitor.

362. Or to his agent?
Or to his agent.

363. To one of the three; not to all three?
I do not think that the Commissioners feel themselves under the obligation of sending to all; they send to everybody that they think can be interested.

364. In the case of absentee landlords and people who are abroad, it may cause great inconvenience at times if the notice is sent to the landlord alone, because he may be anywhere?
Yes.

365. And I have heard it said by solicitors that very often the notices reach them a very short time before the case comes on for hearing?
The Commissioners' practice is to print the lists three weeks before the hearing, and to circulate them at once. Of course I cannot say that there may not have been some failures.

366. There is one point that has not been touched upon very much, and that is the question of the fixing of the value of tenancies; I suppose that in any return which the Sub-Commissioners would send up to the Chief Commissioners, or in any order that the Chief Commissioners could make upon a case, that would be included.
Yes, if they fixed the value of the tenancy. I was just going to show you the way in which the books are kept (*producing a form*).

367. Is that one of the records that you were speaking of that is open for inspection?
This is a record of judicial rents. The Commission would not think it obligatory

obligatory upon them to give a copy of this to anybody who asked them. Of course the landlord and the tenant are entitled to a certified copy, but nobody else is entitled to one.

368. Lord *Tyrone,*] Not a mortgagee?
Yes, I have no doubt a mortgagee would be entitled if he had been served with notice of intervention.

369. Viscount *Hutchinson.*] But I understand that in an ordinary Court of Record documents of that sort are open to anybody, and anybody has a right to go and ask for copies?
I do not think that the Commissioners would consent to furnish copies of the judicial rents to anybody who asked for them, besides the persons interested.

370. To go back to the question of the value of tenancies, could you give us any idea how many years purchase of a farm the value of a tenancy amounts to, on an average, as fixed by the Court?
No, I cannot.

371. Do you know any cases where the Sub Commissioners have refused to fix the value of tenancies?
No I cannot recollect hearing of any; I have not heard of any complaints being made to the Head Commissioners of any such refusal on the part of the Assistant Commissioners; and I suppose if there had been any I should have heard of it.

372. It is not the case that in Ulster, for instance, where tenant-right already exists, the Sub-Commissioners and the Commissioners do not feel it to be their duty to fix the value of the tenant-right at all?
I cannot answer that question.

373. With regard to cases of the breaking of leases, cases of leases, generally, which have come before the Commissioners on the grounds of their having been forced upon the tenants by undue influence and threats, is there any form or manner in which in an action of that sort the landlord could ask for particulars of the undue influence, or of the threats of eviction, or anything of that sort?
I do not think so.

374. In fact, no more in this case than in the other?
I presume the Court would have the power of ordering particulars to be furnished; but I do not think they should be furnished as a matter of course.

375. Has the arrears clause ever been made use of in any way?
I got a return sent up, expecting that I should be asked that question. The time expired on the 28th of February. The number of applications for advances to pay off arrears under the 59th section has been 534; the number of holdings comprised in the applications was 6,635; the amount of arrears of rent due was 84,000 *l.*; and the amount of the amount of the advance applied for was 31,000 *l.*

376. *Chairman.*] Why do the numbers of the applications and the holdings differ so widely?
The applications are taken by the number of landlords that apply. Each application may comprise a great many holdings. With regard to these figures, it will be necessary to observe that the amount of arrears, and the amount of the advances applied for, are taken from the figures in the applications. It is pretty certain that there are mistakes; but such mistakes cannot be found out until the applications are minutely examined and checked.

377. Then what has become of these applications; have they all been acceded to?
They have only just come in; they came in with a rush at the last day, only a few days ago.

378. Earl *Stanhope.*] And now no more applications can be made?
No, the 28th of February was the last day.

379. Marquess of *Salisbury.*] To how many acres does that apply?
I do not know.

380. Viscount *Hutchinson.*] I suppose those applications would be mostly from Connaught and the West?
I cannot tell you that.

381. Have the Commissioners received any application from any public body under the provisions of the 32nd section, the Emigration Section?
None.

382. Marquess of *Salisbury.*] Are you present at all the meetings of the Commissioners?
No, I am not.

383. They hold meetings in private, then?
Sometimes I am present, and sometimes I am not.

384. But is there any deputy of yours present when you are not present yourself?
No; they generally meet in private, that is to say, I am not present at the meetings unless I have business to bring before them.

385. Do they make formal orders in your absence, then, sitting quite by themselves?
Yes.

386. So that there is a good deal of their business of which there is necessarily no record?
In the case of any formal order that they make, one of themselves drafts a minute, which is placed in the minute book.

387. By you?
Either by me or by the assistant secretary.

388. They have then necessarily no formal meetings, but they can exercise their authority, and do exercise it informally, without any necessary record?
No resolution that they take can be acted upon without its in some way appearing on paper, in the shape of a letter or a minute. There would be some outcome of their deliberations.

389. You have nothing like the meetings of a board with the minute book, in which is entered, "Present, so-and-so; and so-and-so was done"?
Occasionally the minutes are inserted in the minute-book in that shape; "Present, so-and-so; such-and-such a minute made," as a rule, the Commissioners are all present, though, of course, there are exceptions to that. I do not think there is always a heading, "So-and-so and so-and-so present."

390. Upon such matters as being consulted, for instance, by the Government, they would give that advice without necessarily having you, or any representative of yours present, recording what they did?
Certainly. I merely talk of the public record in the minute book. I presume that if they write privately to the Government they would keep copies of their letters; but I only talk of any public letter going through me.

391. Is a public letter going through you always authorised by a preliminary minute passed at a meeting, or is it simply due to the instruction of one or other of the Commissioners?
I should act on the direction of any one of the Commissioners, decidedly.

392. And you would treat that as the act of the whole body?
Yes, I think it is laid down in the Act that each Commissioner has all the powers of the three.

393. You stated that the cases were put down in the list in the order of their coming in; setting aside those alterations that are made on the ground of eviction, is that order quite rigorously adhered to?

Yes, cases are remitted to the Sub-Commissioners for adjudication in the order of receipt. It may be necessary to explain that as notices are entered in the County Registers, and as they are remitted to the Sub-Commissioners according to the Poor Law Union in which the holding is situate, it may and often does happen, that an applicant, notwithstanding the fact of having lodged his case long after his neighbours, may have his case adjudicated upon sooner. It happens in this way; take for instance the county of Mayo; there may have been 300 applications from tenants within the Poor Law Union of Castlebar up to the 1st of November, while it may have happened that in the adjoining Poor Law Union of Westport, in the same county, not more than 20 notices have been served up to that time. It follows that as about 50 cases are remitted to a Sub-Commission at a time, cases from 21 to 50 in the Westport Poor Law Union, although lodged later than No. 300 in the adjoining Poor Law Union of Castlebar, would be sooner adjudicated upon. I thought it better to explain that, because the system of sending them by Poor Law Unions sometimes would lead one to suppose that there was favour shown in taking some cases before others which had been lodged earlier.

394. Then the list is not recast except so far as is necessary to bring together those which lie within the district which the Commissioners may be dealing with in a single day; I understand you to say that the list is in some sense recast, and that it does not depend upon the mere priority of entry?

Upon that priority, within the Poor Law Union, it does.

395. What Poor Law Union should be taken depends upon where the Commissioners are?

Exactly; they sit in every Poor Law Union; that is their rule.

396. But within the Poor Law Union priority of entry is absolutely observed?

Yes.

397. And with no deviation from it whatever, except in respect of the question of eviction?

That is most distinctly the rule, and I do not recollect any exception. That there may not have been exceptions I will not say positively.

398. I suppose you receive a great many applications for exception, do you not?

A great many; and we always say that they cannot be taken out of their turn. I think there is a qualification under very special circumstances, and a very special circumstance would be the case of an eviction. There might be some other special circumstances which would induce the Commission to take a case out of its turn.

399. If it was taken out of its turn it would not be the act of any officer on the Commission, but it would be by the direction of the Commissioners themselves?

It would not be taken out of its turn unless by the direction of the Commission.

400. And you do not at this moment remember any case of deviation from the order in the list, except a case of eviction?

I think at the beginning of the Commission, when the thing had not got into proper order, there may have been cases taken out of their turn on some very pressing application. I do recollect one now, because I myself was well abused for it in the newspapers; they said it was my doing. Some landlord in the county of Kerry, I think, was taken out of his turn; I cannot recollect all the circumstances of the case, but I know perfectly well that the solicitor who was acting for the tenant, said that I ought to be at once summarily dismissed, or something of that sort, and that impressed it upon my mind.

401. But there would not be many so energetic solicitors?
No.

402. But I presume you had nothing to do with it?
I am not quite sure about that. I do not think that these rules were so very strictly observed at first; and my recollection of this special case, though I have never thought of it until now, is that the application was made to have this Mr. Crosbie's case taken out of its turn. I do not think I had heard of that application; but, however, in consequence of it, it was listed for hearing, and then an application came before me to remove it again; and I think that what I decided there was that there could be no further change; and then it was that the solicitor for the tenant suggested that I should be dismissed.

403. You have spoken of a certain order which the Commissioners made with respect to costs; have you any recollection of the preliminary proceedings which induced the Commissioners to make that order; was there any application from any aggrieved person?
I am inclined to think that it was on a general review of what was going on, and from observing that costs were being given against one or other of the parties, that the Commissioners, on their own initiative, came to that decision, that the costs should, except in very special cases, be borne by each party.

404. The Sub-Commissioners report what order they make as to costs then, I presume?
Yes, they would make it a part of their order, costs against one party or the other.

405. And those reports would be submitted to the Chief Commissioners in due course, and they, reading those reports, came to the conclusion that this practice required to be altered?
I cannot say that it was upon reading those reports; I would rather say that it was a matter of general notoriety that costs were being given, and its being a matter of general notoriety induced the Commissioners to consider it, and to come to the decision that I have mentioned.

406. And there were no other matters of general notoriety or matters which arose upon the face of the reports of the Sub-Commissioners which induced the Commissioners to send down any special orders in the way of modifying their procedure or their decisions?
I do not recollect any other.

407. The case would naturally be so remarkable that if it happened more than once you must have remembered it, I should think?
There was some correspondence or some letters written with reference to the Assistant Commissioners making speeches. I do not know whether that is the sort of thing that you refer to.

408. Very much. What was said with respect to the Commissioners making speeches?
They were recommended not to make speeches.

409. Do you remember what particular speech it was that caused that admonition, whose salutary nature I do not for a moment dispute?
I should prefer not to mention names.

410. Can you give me the date; perhaps that would be harmless?
No, I cannot give the date either.

411. That letter, I presume, could be put in?
I have not got it with me. I think I should have to consult the Commissioners about it.

412. Will you make a note of that, because it is a very important order, and I should like to know the terms in which it was conveyed. I distinctly understand that your order about costs was contained in a letter written by you before

before the question of the well-known appeal came up, in which the Commissioners made an observation?

Yes, that is my distinct recollection.

413. I think we have now before us three cases in which special instructions were given by the Commissioners; the question of costs; the question of receiving hospitality; and the question of making speeches.

Yes.

414. There was no other matter that you remember that the Commissioners thought it necessary to warn the Sub-Commissioners upon in the course of their proceedings?

There was another letter, desiring not only the Assistant Commissioners, but everybody connected with the office, not to write or to give any information for the public press on matters connected with the office.

415. Do you remember whether the prescription not to make speeches had reference to observations made independently of cases, or to observations made in giving reasons for decisions?

I think the letter that I refer to was written with regard to general observations, and not with respect to any special case.

416. And I suppose it was a circular; it was not addressed to any particular peccant Sub-Commissioner?

No.

417. There has been a very general impression that instructions of some kind reached the Sub-Commissioners, and I think that has been a good deal founded upon a statement made by Professor Baldwin, to which I do not know whether your attention was ever drawn. Of course I do not ask you to confirm what Professor Baldwin said. He said: "In adjudicating on this case, we have been guided by the principles which my colleagues and I laid down for our own guidance before we commenced our labours in the Court House, Belfast; and from those principles we have not since deviated one hair's breadth." Were those principles ever reported to the Commissioners?

No, I am sure they were not.

418. They have never come under your observation at all?

No, certainly not.

419. You would be totally unable to say what Professor Baldwin meant?

Absolutely.

420. You do not know whether the Commissioners ever applied to him for a communication of those principles?

I should think they had not.

421. It is not within your knowledge that any communication was addressed to the Court with respect to that observation?

No.

422. You have spoken of the Commissioners going upon the land, and you say that there was no instruction to them to do that, other than the general instruction contained in the general rules; is there any rule with respect to the expenses that they incur upon those occasions?

Their expenses are paid out of the funds at the disposal of the Commissioners. All their travelling expenses come up in a regular monthly schedule to be examined and checked, and if found correct, so far as we can check them in the office, paid.

423. They are taxed in the office?

They are taxed in the office. That is one of my multifarious duties, to check the Sub-Commissioners' expenses. There is a clerk whose special business it is to look after these things; he is extremely strict, and is always fighting in the way that an audit office would, checking anything that he sees wrong, and in constant correspondence with the Assistant Commissioners; he always brings these matters to me, and we keep the thing cut down as carefully as we can.

424. You have no general allowance for the expedition of a Commissioner to a farm?

No. They get an allowance for every night they are out for hotel expenses, and they are entitled to charge besides their absolute cost of locomotion, and they are always obliged to furnish receipts whenever they can be produced. A man cannot produce a receipt for a cab or a car that he takes off a stand; but if he takes a car from an hotel and travels 10 or 12 miles, he generally can give a receipt; and if we see a large charge for travelling on a particular day we require them to account for it, and state how far they have travelled, and in fact to explain how any large charge was incurred.

425. I think it is stated that there are certain prescribed qualifications, which are mentioned in the rules, for the Sub-Commissioners; but the person to apply those prescribed qualifications is the Lord Lieutenant; does he make to the Commissioners any intimation that comes under your official notice of the nature of the qualifications that each person appointed possesses?

No.

426. Does he give any indication that he has satisfied your rules in that respect?

I think not; he merely communicates the names of the Assistant Commissioners that he has appointed. The grounds upon which they have been appointed are never stated.

427. Do the Commissioners take any notice of the question, whether or not the Lord Lieutenant has complied with their rules, which in this matter have a statutory authority?

No.

428. Is nothing laid before them to enable them to see that their rules have been complied with?

No.

429. Then for all the Commissioners know, the rules, though they have a statutory authority, may have been treated by the Lord Lieutenant as absolute waste paper?

I should scarcely like to go so far as that.

430. I do not mean to say that they have been, but so far as any review takes place in your office, they may have been treated with entire disregard?

So far as I know, no explanation of the reasons for appointing Assistant Commissioners is furnished to the Commissioners.

431. And of course if anything in the nature of a recommendation went from the Commissioners to the Lord Lieutenant, it would be of an unofficial character, and would not come under your notice?

Quite so.

432. You mentioned with respect to the first of these documents that you issued, that you were not secretary at the time it was issued; had you any predecessor?

There was an acting secretary from the 22nd of August up to the time I was appointed.

433. This note says: "Any person requiring information can apply by letter to the Secretary to the Land Commission"; so that I presume you must have been appointed by that time?

I had nothing whatever to say to it, and I knew nothing about it, and I believe it was issued before I was appointed; but without seeing the date I could not answer the question. I know that the date on which I was appointed was the 5th of September.

434. With respect to Mr. Fottrell's pamphlet, you say that this pamphlet was laid on your table, and that the order that it should be purchased was initialed by you; was there any memorandum from anyone in the office recommending it to you?

No,

No, none; Mr. Fottrell himself said to me that it contained useful information.

435. You went entirely on his verbal recommendation?
I did.

436. And you had no recommendation from any other person?
No.

437. Because it will no doubt occur to you that the officer, whoever he was, who revised the pamphlet, must have had full cognisance of the objectionable matter which it contained?
No doubt; but I do not know that any officer in the establishment did revise it. Somebody must have revised it, and anybody who revised it must have read it.

438. And an officer reading it and not bringing to your knowledge that objectionable matter which it contained, must have been a person with very strong sympathies for one political section?
A man might be asked to revise such a document, and it might never come into his head that he was to look out for political remarks in it.

439. Do you not think he must have been a simple minded person if he issued a Government document praising Davitt?
I think so, indeed.

440. I think you were on the Church Temporalities Commission before this?
I was.

441. There were a very large number of holdings still remaining to be sold when the Church Commission was merged into the present Land Commission, were they not?
No, not many.

442. Had you sold everything?
We had sold, I may say, everthing except the property belonging to a certain number of clergymen who had not commuted their glebes. There were somewhere near 40 of those.

443. Were you selling up to the last moment of your transmutation?
We were nominally; we had complied with the statute so far as to offer to each tenant his holding; but in case the tenants did not buy we did not put the holdings up then to public competition, thinking that the property would be sacrificed, because on account of the state of agitation that was then commencing, there was no demand for land, the public would not buy. There were two or three small estates, and, perhaps, 50 or 60 tenants whose holdings had not been offered for sale to the public, because the Commissioners thought it was injudicious to force the sale when there was so little demand for land.

444. If I understand your former evidence up to the last moment, when that evidence was given in 1878, you were selling land at 30 years' purchase?
Yes; we were selling land then for anything we could get. There was a very great demand for land then. There were many cases, I suppose, in which we got fully 30 years' purchase.

445. And that continued up till when?
I think the demand for land began to fall off about the end of 1879.

446. But those estates were generally estates upon which the rents had been screwed up very high?
I think the clergy used to let their land at about the same rate as the neighbouring land; I should not say that it was higher or lower. Certainly the tendency upon the part of a clergyman who had only a temporary interest was to screw it up; but I do not think that our experience was that the Church lands were higher let than others.

447. Have any of the lands which you sold to the public at 30 years' purchase of high rents come back before you in your new form?

Yes, there are complaints made on the part of the tenants who bought their holdings that they bought at a time when rents were high and land was high. They ask now to have their annual instalments of outstanding purchase money reduced.

448. Which you decline?

Of course there is no power to do it. The purchasers of the residue of those estates, members of the public who bought land that was not bought by the tenants, also complain that the tenants have or are going to have their rents reduced, and that we are requiring them to pay a full instalment.

449. Has any suggestion of restitution been made to you?

The sufferers have made a suggestion; but the Commissioners, of course, are unable to move in the matter. They are bound by the law. I think it is a very hard case myself.

450. Earl *Stanhope.*] I think, lately, the Head Commissioners decided that they would only have appeals of a judicial character; is there anything in the Act under which it is laid down that the Head Commissioners should only have appeals with regard to questions of a judicial character and not questions raised as to the fair rents fixed?

There was no such decision. In every appeal they not only decide points of law, but they also go most carefully into the value. They have paid valuers, in order to assist them on that very point.

451. *Chairman.*] As between the Commissioners and the Sub-Commissioners, it is not properly an appeal; it is a re-hearing?

It is called a re-hearing in the Act of Parliament.

452. Marquess of *Salisbury.*] And it is looked upon absolutely as a hearing *de novo*?

That is what I understand it to be. I do not feel absolutely confident whether they can admit new evidence. My own impression is that they can, and that they always do; but I cannot be quite positive.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday next, at Twelve o'clock.

# *Die Jovis, 9° Martii,* 1882.

## LORDS PRESENT:

Duke of NORFOLK.
Duke of SOMERSET.
Duke of SUTHERLAND.
Earl of PEMBROKE and MONTGOMERY.
Earl CAIRNS.
Viscount HUTCHINSON.
Lord TYRONE.
Lord CARYSFORT.
Lord KENRY.
Lord BRABOURNE.

THE EARL CAIRNS, IN THE CHAIR.

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MR. DENIS GODLEY, C.B., is called in; and further Examined, as follows:

453. Duke of *Somerset.*] THE Land Commissioners meet together in one room, I suppose?
Yes.

454. Are you present at the meetings of the Commissioners?
Sometimes I am, and sometimes I am not.

455. Are you present when they meet judicially, or on what occasions?
They generally ask me to come when they want me; if they do not want me, they do not ask me; they deliberate alone. There is no rule.

456. You never go except when you are invited to do so?
No.

457. *Chairman.*] When they are sitting as a Court I suppose you have no duty to perform?
None whatever.

458. It is the registrar who attends them then?
The registrar performs the usual duty of a registrar. He takes down, I suppose, a short minute of what is done, for the purpose of drawing up the order afterwards.

459. According to what we are accustomed to in the Courts of Law; he calls on the cases and takes a minute of the order, and so on?
Yes. The Commissioners have a regular court fitted up in the house in Merrion-street, and when they are in that court I have nothing to do with their proceedings.

460. I suppose the registrar swears witnesses, and so on?
He does all the usual things. I have only been in that court twice, I think.

461. What duties have the Commissioners to perform, ministerially, I mean, other than their judicial duties?
They are, of course, responsible for the whole administration of the office, and on every point on which I am doubtful I at once refer to them. The general superintendence of the administration is carried on by myself, subject, of course, to their instructions and to my consulting them on every point on which I believe I ought to do so.

462. Duke of *Somerset.*] I suppose you, as secretary, open all the letters that are written to the Commissioners, do you?

All the letters addressed officially would be opened in the secretary's department, but I think that letters addressed personally to any of the Commissioners would be left upon his own table, even though they be not marked "private." Every letter addressed, for instance, to Mr. Justice O'Hagan would be left on Mr. Justice O'Hagan's own table, to be dealt with by himself.

463. When there is an appeal or an application for a re-hearing, does it come to you from the parties?

Certainly. That would be an official letter, which would be addressed to the secretary, and would be opened in the secretary's department.

464. That would come regularly to you?

Certainly.

465. And you would submit it to the Commission, I suppose, or what course do you pursue in that respect?

There are great numbers of applications for a re-hearing. The Commissioners' instructions are not taken upon each individual case, but the application is entered in a book which is kept for the purpose of entering cases in which applications for re-hearing are made. Of course before the Commissioners proceed to re-hear cases, they inform themselves as to what applications there are for cases to be re-heard, and if there is anything special in any case it would be brought specially under their notice; but there are a vast number of applications for re-hearing, and they do not go to the Commissioners, as a matter of course, at once. The first thing is to enter them in a book.

466. They are entered in a book kept for the purpose?

Yes.

467. Do they remain there, or what happens?

They remain there until the time comes for the re-hearing. There have been very few cases re-heard yet.

468. Do you mean that the Commissioners never refuse a re-hearing?

I suppose they have the power of refusing a re-hearing, but I do not think it has ever been contemplated to exercise it.

469. *Chairman.*] Surely if a re-hearing is applied for within the prescribed time, it is a matter of right?

So it is understood, and I believe it to be so. I have never heard it questioned.

470. If it is applied for after the prescribed time, of course it is within the discretion of the Commissioners whether they will relax the limitation or not?

Yes; and under one of their rules they can enlarge the time.

471. You mentioned the other day the instrument of delegation by which the Commissioners delegate power to a Sub-Commission; have you got it?

I am sorry to say that I forgot to send for it. I sent for several things, of which I took a note the other day, but unfortunately I omitted to take a note of that at the time. However, it is a Paper which can be sent.

472. Will you kindly make a note of it, and have it sent?

Certainly. Perhaps you will allow me to refer to a slight inaccuracy of mine in my last evidence. It only occurred to me afterwards. It is probably of no great importance to the Committee, but it is of some importance to myself, because I am so often misrepresented, and people take such advantage of the least mistake I make. In some cases I am represented to be a Fenian, and in others to be in collusion with the landlords, as I might be in this case, and therefore I am forced to be extremely particular.

473. What is the correction which you wish to make?

It has reference to an answer in which I informed the Committee that a case had been taken out of its turn before a Sub-Commission. The real facts, as I recollected when I went home, were these. The case to which I alluded

was

was the case of a landlord named Crosbie. He was in the list of cases for hearing; an application was made to take him from the middle of the list where his case stood, and place him at the bottom. That application was complied with; I cannot recollect exactly upon what grounds, but I know it was complied with.

474. His case was taken out of the middle of the list and put at the bottom?
Yes; I said that his case was taken out of its turn; the fact was that it was put at the bottom of the list instead of being in the middle. Very strong complaints were made by the tenants' solicitor that it had been put down, and the way in which it came before me was that it having been once removed from the middle to the bottom of the list, and the persons concerned having received an intimation that it was at the bottom, I decided to leave it at the bottom instead of reinstating it in the middle. I should not have reinstated it in the middle without taking the Commissioners' directions, but as I found it at the bottom I left it there.

475. As you have referred to that subject, I should like to ask you a question which I forgot to put to you the other day. You explained to us that the county lists were made out in Dublin and sent down to the Sub-Commissioners to be taken by them as they were sent down. That is what the Commissioners do in Dublin; but suppose a Sub-Commission departed from that and changed the order of hearing (I do not say they do, but suppose they did), is there any check upon it in Dublin; would it be known to you if that took place?
It certainly would be known if any of the parties made a complaint.

476. Lord *Kenry.*] Would it appear upon the orders or the minutes of orders sent up by the Sub-Commission?
No, I think not. I do not think that the fact of a case which was on the list being heard out of its turn would appear in that way. I have never heard any complaints of the Sub-Commissioners taking any cases out of their turn in the lists submitted to them, and my belief is that they never do—that they always take the lists and go regularly down them from the top to the bottom.

477. *Chairman.*] Perhaps you are aware that complaints, whether well-founded or not, have been made publicly on the subject?
Yes, I have heard so.

478. Duke of *Somerset.*] I understood you to say the other day, that when there are evictions they take those cases first?
Yes, that is the rule. Those are the only cases which they take out of their turn, except under very special circumstances. The list or roster is kept in the order of receipt at the office.

479. Then if a landowner wishes the cases relating to his property to be brought on, it seems to me that his best plan is to evict; is that so?
I really could not give an opinion as to what his best course would be.

480. Lord *Kenry.*] Are you aware whether the Sub-Commissions ever change the place of hearing; that is to say, hear cases which are put down for one union, in another. Supposing they found it more convenient to the parties interested to hear a number of cases in another union, and not in that for which they are listed, would they have the power of doing so?
That is a case which has very often occurred. The parties concerned find it more convenient to have their cases heard, for instance, not in the town which is fixed for a sitting, but at some place nearer the farms or holdings in question, and then they may apply to the Sub-Commission to adjourn to such nearer place, and sit there for the purpose of hearing the case, and the Sub-Commission has discretion to adjourn to such place with the consent of all the parties concerned.

481. But that might have the effect of bringing on a number of cases, which were low down in the list, several days before they were expected to come on, might it not?

No; I presume that the Sub-Commission would only entertain this application for adjournment so as to take the cases in the order of the list.

482. *Chairman.*] But in the list to which they were transferred, what place would they occupy. Suppose a case at the head of a list in one place was called on, and both parties said, "It is much more convenient that this should be heard in another union or another district," and the Sub-Commission said, "Very well; be it so." In what place in the list to which it was transferred would it be put?

It would not be transferred to another list; it would be taken to be in the list which was then before the Sub-Commission, and would be dealt with during that sitting. I do not know whether I make myself intelligible, but perhaps I had better take an instance. Take the case of Carlow, for example: A number of cases are listed, we will say, for the town of Carlow. Both the parties concerned apply that the Sub-Commission should adjourn to Bagnalstown, which is 10 or 12 miles off, to hear those cases. It would be in the discretion of the Sub-Commission, if the place to which they were asked to adjourn was within their delegation, to go there to hear those cases.

483. To go to a place at which they otherwise would not have sat?

Yes.

484. Lord *Kenry.*] But they would still take the cases in the original order?

Certainly; they would take the cases according to the list which was submitted to them for the sitting; in the case I mentioned it would be Carlow. Perhaps your Lordships will allow me to refer back again to some other point in my former evidence. The noble Marquess who is now present asked me two or three questions which I took notes of. One was as to there being a column in the Minute of Order for entering the annual value of the tenant's improvements, so that the Sub-Commissioners might put down the annual value of the tenants' improvements, showing how they are influenced by that in fixing the judicial rent.

485. Lord *Tyrone.*] I asked you whether there was any such column in any of the forms?

I will explain to you how that stands. The Commissioners have been guided by experience in these matters, and from the 12th of December to the 16th of February the forms furnished to the Sub-Commissions did contain a column, or rather not exactly a column, but an arrangement by which the annual sum deducted in respect of tenants' improvements was to be noted. That is the form which was in force between the dates I have mentioned (*producing Paper* B.).

486. Lord *Brabourne.*] Then in every case of the fixing of a judicial rent, have the Chief Commissioners that information before them?

That was for the Sub-Commissioners.

487. Did I not understand you to say that that information was transmitted to the Chief Commissioners upon the Minute of Order?

So long as that form was in force, the information which should have been given in the form would have been transmitted with the Minute of Order if that column had been filled up.

488. Therefore the Chief Commissioners then knew in what way the judicial rent had been fixed; that is to say, what deduction from the old rent had been made on account of tenants' improvements and what had been made for any other reason?

They would have known during the period that I have mentioned how far the rent was reduced in respect of the tenants' improvements if the Sub-Commissioners had filled up that column.

489 Do they not fill it up?

It is no longer in force.

490. *Chairman.*] You were going to explain how it came to be given up?
Yes, it was given up on the 16th of February, because the Sub-Commissioners, whether because they found it impossible to fill it up, or whatever the reason may have been, did not in fact fill it up. It was only in force from the 12th of December to the 16th of February, and during that period (I wrote over to the office to inquire about this), in almost every case they did not fill it up.

491. Do you mean that they disregarded it altogether?
So I am informed to-day: "From the 12th of December to the 16th of February the Minute Order books issued to the Sub-Commissions contained two columns, namely, 'Estimated value of tenants' improvements,' and 'Annual sum deducted in respect of tenants' improvements from present rent in fixing judicial rent.' The Assistant Commissioners represented to the Commissioners that in the majority of cases it was impossible to fill up those columns, and the Commissioners upon an examination of the Sub-Commission returns found that no entries were made under these headings in most cases." The Commissioners considered that the value of the return in the majority of cases would not be sufficient to make it desirable to retain the two columns, which I have mentioned, in the Minute of Order, especially when it is borne in mind that the notes of the Legal Assistant Commissioner would supply what information was procured in any particular case about which further information might be sought.

492. If the notes of the Legal Assistant Commissioner gave this information, there would be no difficulty in transferring it into the Minute which was produced?
So it would appear.

493. You have stated that the Assistant Commissioners made a representation to the Commissioners upon the subject; was that representation in writing?
I should think probably not; in fact I am quite sure it was not. I have no record of it; probably it was made in conversation.

494. But the Assistant Commissioners are, we understand, 36 in number, and they are in different parts of the country; was it the case that they were agreed upon this representation or that individuals among them made representations?
Individuals amongst them, I assume, made representations. They occasionally come up to Dublin and speak to the Commissioners, and it may have been done in that way. I am aware of no record of it; there may be a record, but I have no recollection of any such application as I have alluded to. You will recollect that I referred in my former evidence to a circular in which the Sub-Commissioners were ordered not to accept hospitality. In that circular which was printed, I find the following direction: "It shall be the duty of the Legal Commissioner to keep a book in which all the proceedings of the Sub-Commission shall be entered, and especially he shall make a note of the substance of the evidence given before the Sub-Commission." I do not know whether your Lordships would wish me to read this circular; I propose to hand it in.

495. If you will hand it in, that will be sufficient; but is there anything in that circular calling the attention of the Sub-Commissioners to this particular part of the return with respect to the tenants' improvements?
No, there is not. I hand in the circular (*handing in the Circular marked* C.).

496. Lord *Tyrone.*] When was that circular issued?
It is not dated, but I see by the printer's mark at the bottom that it must have been issued in November last.

497. I understood you to say that the Minute which you referred to just now, containing the column with respect to tenants' improvements, was issued on the 12th of December?
Yes, the second Minute was issued on that date. There were three Minutes of Orders. I have here the first one (*handing in a Paper.*). The Sub-

Commissioners were desired to fill this up when they first went out on the 26th of October. This was in force until the 12th of December.

498. It had not the "Estimated Value of Tenants' Improvements" column?
No, it had not. There was a third Minute of Order, and that is the one which is now in force. I will hand it in also (*handing in a Paper*).

499. That is without the "Estimated Value of Tenants' Improvements" column?
Yes.

500. I suppose you were aware that that column was added to the forms when it was done on the 12th of December?
The Commissioners were aware, of course, because they did it; and I may be presumed to have been aware, though I cannot say that I recollect it at this moment.

501. Do you know why the Commissioners added it to the form?
I can only say that they thought at that time that it would be valuable information, and that it could be furnished. It is impossible for me to say what was passing in their minds; I do not recollect that point being discussed in my presence.

502. You were aware that it was withdrawn?
Certainly.

503. Because the Sub-Commissioners, or some of them, said they could not fill it up?
For the reasons which I have read from a letter which I received from the office this morning.

504. You were not aware of it officially in any other way?
No, in no other way.

505. From the knowledge you have of the working of the office, would you not think the information that would be given in that column would be very valuable?
I should think it would; that is my own private opinion.

506. *Chairman.*] We do not understand from what you have said, or from what you have read from that letter, that the Commissioners themselves thought otherwise; they did not change their minds about the value of the information, but they found a difficulty in getting it?
They found a difficulty in getting it, and they thought, for the reasons I have stated, that in any particular case they would get the information they required from the notes of the Legal Assistant Commissioner.

507. Lord *Tyrone.*] But this being a court of record, would it not be necessary that the facts which would be returned in that column should be recorded if possible?
It was upon that point that the Commissioners decided otherwise, and determined that they would not any longer call upon the Assistant Commissioners to furnish that information.

508. Viscount *Hutchinson.*] The fact remains that at this moment there is no record of any sort in the archives of the Commissioners of what is deducted from the gross rent for the tenants' improvements when a judicial rent is fixed by the Sub-Commissioners?
That is not recorded in their Minute of Order, but the Legal Assistant Commissioner is directed to keep a book containing the evidence placed before him; and the Commissioners, I presume, are satisfied that they can get any explanation that may be necessary in any particular case from that note book.

509. But that is not a public document; it would not be a record of the Court, would it?
No, it is not made public.

510. Lord *Kenry.*] Would it be of any legal value in the event of a farm-holding coming to be re-valued at the end of 15 years?
I cannot tell you that.

511. *Chairman.*] If the Assistant Commissioners, who I suppose included the Legal Assistant Commissioner, found a difficulty in writing it down on one piece of paper, probably they or he would find an equal difficulty in writing it down upon the other?
I cannot express an opinion upon that.

512. Lord *Brabourne.*] Is there any record that would be available at the end of the first 15 years, showing the grounds upon which a Sub-Commission came to a decision which may not be appealed against now, but the grounds of which it may be most necessary to know 15 years hence?
So far as I know there is none, except the Assistant Commissioner's note-book.

513. Which is not a record that would be available to the public?
I cannot tell whether it might not be made so; perhaps it might.

514. Viscount *Hutchinson.*] Not only in view of cases of re-settlement of rents 15 years hence, but also in view of immediate decisions of the High Court of Appeal, does it not strike you that it is very important that there should be some record or some data of that sort?
In any re-hearing of a case, the Land Commissioners, as the Court of Appeal, would go into that matter themselves, I presume, upon the report of their own valuer. Their plan is in every case that they re-hear, to have every holding valued, and the valuer will report to them upon the tenant's improvements.

515. But even at a previous stage to that, unless the Sub-Commissioner makes some statement of that sort, a suitor may have no grounds given to him to appeal at all?
Your Lordship means that the suitor would be ignorant of the reasons.

516. The suitor would not know whether the rent had been reduced on account of tenant's improvements, or for any other reason?
I am not aware whether the Legal Assistant Commissioner, who gives the judgment, gives the reasons for reducing the rent in every case; but I fancy in most cases he states the reasons when he is giving his judgment. There is no official record of the judgments given by the Assistant Commissioners, and, therefore, I cannot say that I know the fact. I merely, like other people, read the newspapers, and I see that they do give their reasons very often, and those reasons, of course, would include the amount deducted in respect of the tenant's improvements.

517. *Chairman.*] I should like to ask you a question as to your own opinion from your knowledge of land, and of proceedings in Ireland; do you not think that it would be of very considerable advantage, both with reference to the satisfaction of the parties, and also for the purpose of guiding the parties, as to whether they should appeal or not, if what I may call the abstract value of the land were kept separate in the reports of the Sub-Commissioners, from the value of the tenant's improvements. I will explain what I mean. If those two things are kept distinct, the landlord or tenant (it does not matter which), if he is considering the case, and making up his mind whether he will appeal or not, may say, "I am quite satisfied with the value put upon my land. I have not a word to say against that; but I am perfectly dissatisfied with the value put upon the improvements"; or, *vice versâ*, he may say, "I am perfectly satisfied with the vaue put upon the improvements, but I am quite dissatisfied with the value put upon the land." At present, I suppose, it is all lumped together, and he is entirely in the dark?
Yes, unless a distinction is drawn in the Sub-Commissioner's judgment. If your Lordship asks me my private opinion, I may say that I think it would be very desirable to keep the two things quite distinct.

518. Lord *Brabourne.*] Is that distinction generally stated in the Sub-Commissioners' judgments?

I am not able to tell you that, because I only read them in the newspapers.

519. I understand you to say that the private notes of the Sub-Commissioners are available now when the Chief Commissioners have a case to re-hear?
Yes, certainly.

520. But there is no provision by which they will be available 15 years hence?
Unless those note-books are then available.

521. But I understand that they are private note-books?
They are not private books; they are kept for the purpose of informing the Commissioners; therefore I cannot say that they are in any sense private. I presume it will rest with the Head Commissioners to say whether they will make them public, that is to say, present them to Parliament, or use them in any other way; but they are in no sense private as between the Assistant Commissioners and the Head Commissioners.

522. Not at present?
No. In the instructions which I have put in, the Sub-Commissioners were expressly ordered to keep those notes, and there would be no reason for that order unless they were bound to produce them.

523. Then are they public records which can be referred to hereafter?
Certainly, they are public records now; how long they may be available for that purpose, I cannot say.

524. Lord *Tyrone.*] Let me ask you, in your own opinion, and with your knowledge of the management of land, and the mode of arriving at decisions as to property in Ireland, how is it possible that a Sub-Commission could come to a fair decision as to the value of the improvements made by a tenant, if they are not able to write it down?
I cannot tell you that.

525. Viscount *Hutchinson.*] You say that, as far as you know, there was no actual application in writing on the part of the Sub-Commissioners to remove this particular item or column from the form?
I am almost sure there was not, because I should recollect it if there had been; it would come before me in the natural course of things.

526. I suppose you are aware that a solicitor has asked in court for that distinction to be made; perhaps you are not aware of that officially?
It seems such a very natural application, that I can quite understand that it should be constantly asked for; but the proceedings in court are in no way submitted to me. There is a great deal of conversation and argument and discussion there, with which I have nothing to do.

527. *Chairman.*] Before we proceed to any other matter, is there any other point as to which you wish to supplement your former evidence?
A Member of the Committee (I believe it was a noble Marquess who is not now present) asked me with respect to a letter to the Assistant Commissioners respecting observations in court. That I have sent for. I believe I was asked to produce all directions to the Assistant Commissioners. This is a copy of a letter which I wrote by direction of the Commissioners to the Assistant Commissioners with respect to the observations in court (*producing a letter*).

528. Will you read it?
"Sir,—Representations having been made to the Irish Land Commissioners on the subject of observations published in the newspapers as having been made in court by some of the Assistant Commissioners, either on the occasion of giving judgment or in the course of the hearing of the case, I am directed by the Irish Land Commissioners to state that, in their opinion, in which they feel confident you will concur, the Assistant Commissioners, both legal and non-legal, will be acting most judiciously, and will take the course best adapted for the successful administration of the Land Law Act, if they will refrain from everything in the shape of an address to the public, and will confine themselves exclusively

exclusively to the necessary explanation of the grounds of their decision. The duties of an Assistant Commissioner are of a most difficult and responsible nature, and it will be impossible to discharge them without occasioning some bitterness and ill-feeling. It is most important, therefore, to avoid every cause of needless irritation, and it may be feared that parties who think themselves aggrieved by the decisions of the Sub-Commissions may consider any address that may be delivered beyond the mere announcement and explanation of judgments, as coming under that description. The Commissioners would consequently urge upon yourself and your colleagues the necessity of a careful reserve and of an abstinence from all such observations in court as might, by any possibility, produce exasperation." I have already put in another circular (it is marked D.) which was sent to the Sub-Commissions. It contains a good deal more than I said on the last occasion. I alluded to it on Tuesday as being a direction to them not to accept hospitality, but there are a good many other points in it besides that. I was asked by one of your Lordships what the rule was now with respect to costs, and also when that rule came into force; whether it was only at the time of the Court of Appeal sitting, or previously. I said "previously." I now find that that memorandum was dated on the 17th December; it is in these terms: "The Commissioners desire to make the following suggestions relative to costs, for the guidance of the several Sub-Commissions. In cases where no special circumstances exist in connection with the conduct of the landlord or the tenant, proceedings should not be regarded in the light of a litigation to assert definite legal rights, but as proceedings before an impartial tribunal to obtain its decision upon a question as to which opinions may reasonably differ. Under such circumstances, and apart from the exceptional cases above referred to, it would, the Commissioners think, be but just that each party should abide his own costs. When costs are given, the amount should be stated in the order. Ordinary costs should follow the scale in the schedule to the General Orders, but where additional costs are given in respect of witnesses, &c., those witnesses only should be allowed who are deemed to have been necessary, and the amount allowed should be specified. Such amount may be added to the costs limited by the General Order, and the adjudication should state the gross amount, "as for costs and expenses of witnesses." The costs to be given against the opposite party in respect of skilled witnesses called to depose as to value should not exceed 1 *l.* 1 *s.*, but this does not apply to an independent valuer appointed by the Court pursuant to the Act. With respect to such independent valuer, the Court should at the time of his appointment fix his remuneration, and should at the time of making its adjudication determine by whom and in what proportion the expense should be borne."

529. Lord *Tyrone.*] There was another question which I asked you on the last occasion, namely, whether there was any arrangement among the Chief Commissioners with regard to a power of attorney being given to agents; can you answer that question now?

You asked whether the agent could sign a judicial agreement binding his principal to a judicial rent without being armed with a power of attorney or some document to show that he had the authority of the landlord. I do not think I undertook to give you an answer to that question to-day, but I undertook to make inquiry about it.

530. And to inform the Committee?

Yes, I will do that.

531. You stated on the last occasion that you did not consider that there was a block in the courts?

Yes, I said so.

532. What reason have you for not considering that there is a block in the courts; do you think that the number of cases decided lately has been in excess per month of those decided before?

Yes, very largely in excess. What I stated I believe, or at all events what I meant to say, was that although there is an immense amount of business, yet the general proceedings have been so accelerated lately that I look forward to the

cases being decided within a very much shorter time than you thought was likely; and therefore I could not say that there was a block of business when I thought the cases might be decided within a reasonable time.

533. Has not the number of cases lodged during the last month greatly exceeded those which have been decided in that time?

I think they have now about reached their level. I believe that the cases which are now coming in, and the cases which are decided, are pretty much in the same proportions; but I do not bind myself to that, because I do not recollect all the figures.

534. Your own returns do not agree with that at all?

My observation applies to the present time.

535. Of course the returns we have only come up to the 24th February?

Yes; I will explain what I mean. Between the 28th January and the 24th February there were almost as many cases decided, both in and out of court, as there had been in the previous four months.

536. Do you mean decided in court?

No, both in and out of court.

537. Then you calculate the two together; you do not take only those decided in court?

I do not profess to go with absolute accuracy into the figures. I believe there were not quite so many decided; but the rate of progress has enormously increased in the last three weeks.

538. In court?

Both in and out of court.

539. *Chairman.*] But the information which you gave us on Tuesday was this: The cases "are coming in even now at the rate of, I should say, from 100 to 150 a day; some days more and some days less." I said, "That is about 1,000 per week then." Your reply was, "I should think there would, perhaps, be rather under that. They have fallen off rather lately." But suppose it to be 800 a week; are they running off at that rate?

No; I am afraid I could not say they are running off at that rate.

540. Taking both the decisions and the settlements, they do not amount to anything like that?

I think we have had as many as 160 judicial agreements come in in one day. I cannot carry all the figures in my head, but I believe that is about the number.

541. Probably they had been accumulating at some particular place for several days?

Some estates will send in a vast number of agreements to fix rents in one day. These agreements are coming in, I think, more rapidly every day.

542. Lord *Tyrone.*] You know these two returns, your first return of the 28th January, and the second one, which has just been published (*handing two returns to the Witness*)?

Yes.

543. I find by those returns that, taking the month, as we may call it, from the 28th January to the 24th February, there were 4,963 cases lodged?

Yes.

544. And during that time, as far as I can make out, exclusive of the agreements out of court, there were 1,824 judicial arrangements made in court?

Yes.

545. Would not that show that the number of cases lodged greatly exceeded the number of cases decided?

No. I refer to the agreements out of court, as well as to the adjudications, because of course they diminish the block; because a great number of those agreements

agreements out of court relate to cases which were the subject of originating notices.

546. But there are only 2,180 of them, according to your return?
I do not profess to say that they are as many; but I think the rate of progress has been so very much accelerated lately that I look forward to its being still more accelerated, and to the cases being decided even more rapidly; I may say much more rapidly than they are now; in fact, I look forward to a general settlement out of court, and that, I think, would completely relieve the congestion of business which now exists.

547. *Chairman.*] To go to another subject, will you be good enough to tell me what is the name of the department in the Land Commission which has to deal with the question of purchases by tenants?
We call it the department for working or managing Part V. of the Act.

548. Who is at the head of that department?
Mr. O'Brien.

549. I forget whether you told us whether he was taken over from the Church Commission?
He was an officer under the Church Commission.

550. What was his office under the Church Commission?
Valuer of land.

551. There are two sections, I think, of the Act which are principally concerned with this question of purchases; the 24th, which relates to loans to tenants for the purpose of purchasing their holdings, and the 26th, which relates to the purchase of estates from landlords for the purpose of re-selling?
Yes.

552. Can you tell the Committee what is the total amount of work that has been done under those two sections?
There has been a return published of that.

553. Up to what date does that return go?
Up to the 28th January. It gives all the transactions that have taken place under that part of the Act up to the 28th January.

554. What is the aggregate amount of advance that has taken place under the 24th section?
The 24th and 25th sections are lumped together. The advances made under those sections amount to 7,817 *l.*

555. And under the 26th section?
Under the 26th section the advance obtained from the Commission is 1,579 *l.*

556. Since the 28th January are you able to say whether there has been much business transacted?
I think there have only been applications made in respect of two estates, one of which was Lord Lansdowne's. Lord Lansdowne, I think, applied to the Commissioners to negotiate a sale to his tenants, and that is now progressing; and there was one other estate, the name of which I forget. I think those are the only two cases of that kind which have come on since the date of this return.

557. Taking, first, the case of a tenant purchasing his holding from the landlord; as I understand it, the tenant has to provide 25 per cent. of the purchase-money, and on his doing that the Commission will advance to him 75 per cent.; is that so?
That is so. Allow me to make one observation before you examine me further upon that. The business transacted in that department of the Commission has not come so much under my observation as the business in other departments of the Commission. The chief agent for the land sales has dealt

very much personally with the Commissioners, for this reason, that it involves the sanction of advances of money, and the consequence is that the business has not come so much through me as it has in the other departments. He has dealt more directly with the Commissioners themselves; but I can state generally that there has been comparatively very little advantage taken of that part of the Act as yet, although I am not so familiar with the course of business in that department as in other departments, for the reason I have stated.

558. You have had great experience in connexion with the Church Commission in the matter of sales to tenants?

Yes; I can answer general questions upon the subject.

559. I was proceeding to ask you about the terms on which advances are made; what is the rate of interest which the 75 per cent. advanced to the tenant bears; it is 3½ per cent., is it not?

The whole rate would be 5 per cent., but 3½ per cent. is the interest upon the money advanced, and 1½ per cent. is for sinking fund.

560. That sinking fund is supposed to pay it off in 35 years?

Yes.

561. What would be the number of years which would be required if the instalments were at the rate of 4 per cent. instead of 5 per cent.?

That is to say, if the sinking fund was ½ per cent. instead of 1½ per cent.; in that case it would be prolonged enormously, but I could not say off-hand how much. Of course the period of the termination of a terminable annuity depends altogether upon the amount that is set apart for the sinking fund.

562. Would it not be 60 years or 62 years?

I could not say at the moment what 4 per cent. would give.

563. What is the inducement at present to a tenant to purchase his holding; what is the present advantage that it would be to him to become a purchaser in place of remaining a tenant?

My own opinion is that there is little or none. I think he is placed in such a favourable position by the operation of this Act that there is very little temptation, if any, for him to change his position into that of a proprietor. Of course that is my own opinion simply. I think in order to induce him to become a proprietor, the terms offered must be much more favourable. It appears to me that his position, as a tenant, is now so good that there is not much temptation to him to change it.

564. Would he have any advantage whatever by becoming a purchaser in a present reduction of his annual payment as compared with his rent, or would it be the reverse?

The present terms are that he must pay one-fourth down and three-fourths may remain outstanding. I must make a calculation before I can tell whether there would be a reduction in his annual payment.

565. If I put a case to you by way of illustration it will be more easy to follow it in that way; supposing a man has a holding of 50 *l.* a year, that is the present rental or annual value, there is to be a purchase of it, and the tenant and the landlord agree to buy and sell it at 20 years' purchase; that would come to 1,000 *l.*?

Yes.

566. The tenant must provide 250 *l.* of that himself?

Yes.

567. Either by borrowing or using his own money?

Yes.

568. We will suppose he is charged 4 per cent. for that, that would be 10 *l.* a year, and then he has to pay the Government 5 per cent. on 750 *l.*, that is 37 *l.* 10 *s.*?

Yes.

569. £. 37. 10*s.* and 10 *l.* will make 47 *l.* 10 *s.*?

Yes.

570. What

570. What do you put down for rates and taxes that will fall upon him as owner, that would not have fallen upon him as tenant?
He will have to pay half the poor rate.

571. And anything else; the county cess?
I do not know. Your Lordship is probably aware that in the case of lettings made since 1870 the tenant and the landlord divide the county cess.

572. Then he would have to bear half of that?
Yes, if his letting was made since 1870.

573. And in the case of lettings made before 1870?
The tenant paid the whole of the county cess.

574. We will take it at half?
There would be half the county cess and half the poor rate in addition to his 47 *l.* 10 *s.*

575. On a holding of 50 *l.* can you give me any general estimate of the sum that would be necessary to provide for the half of the poor rate and the county cess?
It would be very difficult to do that, because the amounts of the poor rate and county cess vary so much all over Ireland.

576. I only ask for a rough estimate?
I should say that on an average the poor rate all over Ireland is now 1 *s.* 6 *d.* in the pound; it was said to be 1 *s.* in the pound at the time of the passing of the Irish Church Act.

577. The tenant's half of that on a holding of 50 *l.* would be 1 *l.* 17 *s.* 6 *d.*?
Yes; he would have to pay 9 *d.* in the pound on 50 *l.*, and the county cess is a heavier charge in most places than the poor rate. I should say that the county cess would probably be 3 *s.* in the pound; the half of that would come to 3 *l.* 15 *s.*

578. Altogether there would not be less than 5 *l.* falling on him for the half that he would have to pay of the county cess and the poor rate?
That is so. In fact, I think he would be in a worse position as regards his annual payment.

579. The 47 *l.* 10 *s.* plus the 5 *l.* would make 52 *l.* 10 *s.*, so that he would come out of the transaction having to pay 52 *l.* 10 *s.* a year in place of having to pay 50 *l.*?
Yes.

580. There would not be much temptation to him in that?
Certainly as a financial operation he would lose by it. On the other hand he would have some advantages. If there were minerals discovered, or if some flourishing manufacture sprung up in the neighbourhood, which would enhance the value of the property, he would have the advantage of that.

581. He would have the unearned increment?
Yes.

582. Lord *Brabourne.*] Could he very well borrow his 250 *l.* at 4 per cent. in Ireland?
I cannot say. Probably if he borrowed it at all, it would be on mortgage.

583. *Chairman.*] He might have the 250 *l.* of his own?
Yes. One way in which this operation could be carried out, and I think it is very likely that it may be carried out in that way, is that the landlord would allow the 250 *l.* to remain on mortgage.

584. It would not be a first charge?
No. That applies to the case of a landlord selling direct to the tenant, and not to that of the court buying from the landlord and selling to the tenant; those two cases are quite distinct.

585. If the arrangement was altered, and if the annual payment was at the rate of 4 per cent. spread over a period of 60 years (I think that is about the period which would be required for 4 per cent.), then the position of the tenant would be this: he would pay 40 *l.* a year on 1,000 *l.*, and he would pay the sum we have already put down for rates and taxes?
Yes.

586. Therefore his annual payment would be 45 *l.* a year in place of 50 *l.*?
Yes.

587. Do you think that that would induce tenants to buy?
I do not myself think that the tenants will buy in any numbers so long as they have got to pay any money down. That is only my own private opinion; I commit nobody else by expressing it.

588. Do you say so long as they have to pay anything down?
I mean that the operation of the Act will be very much restricted so long as any ready-money payment is required from a tenant; of course there will be some cases in which they will pay.

589. Earl of *Pembroke and Montgomery.*] I suppose now that the Act of 1881 has become law, it is not likely that there will be any bidders for agricultural land in any great degree in Ireland, except the tenants?
I should think not; in fact, it is ascertained already that there are hardly any dealings in the Landed Estates Court.

590. So that if the tenants refuse to buy, land would practically be unsaleable?
So far as I know people are not buying now, and certainly I do not see that there is much temptation to buy.

591. *Chairman.*] In the few cases which have occurred, can you tell me what was done by the Commissioners as regards the price. Supposing the tenant and the landlord together agree to a sale, and go to the Commission for an advance of 75 per cent., do the Commissioners inquire into whether the price has been, in their opinion, a proper one, or do they leave that entirely to the parties to settle?
The Commissioners are interested in that question in this way: they must be satisfied as to the security; they must be satisfied that they are not advancing too much money upon the property which will be mortgaged to them; that is the consideration which is principally before them in such a case.

592. Do you know whether they have objected in any case to the price which was agreed upon between the tenant and the landlord?
I think they have.

593. On the ground that it was too high?
Yes, on the ground that the security would not be sufficient. I wish to guard myself especially against its being supposed that I can give these facts with accuracy. As I have already stated to your Lordships, the matter has not come before me specially.

594. It would be in the department of Mr. O'Brien?
Yes.

595. You do not know whether the Commissioners have refused any advance upon that ground, or not?
My impression is that they have, but I make that statement with reserve.

596. Do you know what they do about the title of the landlord; do they investigate it?
Yes; the landlord's title is investigated.

597. In what way is it investigated; is it at the expense of the landlord, or of whom?
I think that is provided for in the rules; all the expenses are stated in Rule 119.

598. That does not touch the question of investigation of title ?
I do not see that it is mentioned.

599. Viscount *Hutchinson.*] I suppose that would be included in what is covered by Rule 122: "The subsequent expenses, that is to say, the actual outlay by the Commission in completing the sale"?
The 125th Rule provides for what the landlord is to do with respect to his title. The Commission "may require the landlord to furnish his abstract of title, which shall be investigated in the usual way on behalf of the Commission."

600. *Chairman.*] Generally a purchaser pays the expense of investigating the seller's title; but I do not see any provision about it in these rules?
I cannot be quite sure whether that expense is included in the 2 *l.* per cent., or not.

601. I do not find anything in the rules you have referred to about the expenses under section 24?
They are not expressly alluded to, but it says in Rule 119: "Provided the landlord undertake to pay for the expenses of such negotiation and completion."

602. And then it goes on, "by per-centage on the purchase money, according to the scale hereinafter mentioned." My question is, does the 10 *s.* in the 100 *l.* cover every expense up to the signing of the contract, and does the 2 *l.* per cent. cover all the subsequent expenses?
My impression is that that is the case, but I cannot speak with certainty.

603. Then supposing a tenant agrees with his landlord to buy a holding, and apply to the Commission for an advance of 75 per cent., does the Commission send down a surveyor or valuator?
Yes, they always send down to have the holding valued.

604. And he makes a report?
He makes a report, and upon that report the Commissioners decide whether they will advance the money or not, or whether the advance would be too great upon the value of the security.

605. In the cases in which the advance was refused, do you know whether it was in consequence of the report of the surveyor or valuator?
I should think probably it was. I know that in every case a valuator has gone down for the express purpose of reporting to the Commissioners.

606. Do you know the number of years' purchase that was agreed upon in that case between the landlord and the tenant?
No, I do not.

607. I understand you to say that you do not see much prospect of the purchase clauses in their present state being availed of by the tenants purchasing their holdings?
No; myself I do not expect it, unless the terms upon which the tenant may purchase are improved, so as to put him in at least as good a position with respect to his annual payments as he is in now.

608. That is your own opinion?
Yes.

609. Has a way occurred to you in which he could be put in at least as good a position with regard to his annual payment as he is now?
Certainly; simply by advancing the whole of the purchase money; by not requiring any part of it to be paid down, and by spreading the repayment of that purchase money over so many years as to make his future payment as proprietor certainly not more than he pays at present as a tenant.

610. I suppose your observation applies both to the proceedings under the 24th clause and to those under the 26th?
Certainly.

611. Earl of *Pembroke* and *Montgomery.*] Could that be done without any loss to the State?

I think it could. It would be necessary to keep the State out of its money for a long time, because it would be necessary to make the terminable annuity run over a considerable period of years.

612. Viscount *Hutchinson.*] From your experience of the Irish Church Commission and the sales under it, could you give me any idea what the per-centage of default was in cases where tenants who had bought their glebe lands were paying the rentcharge by instalments?

I could not state off-hand how far these new proprietors are in arrear with their instalments. I could only tell you generally.

613. We will suppose that there are one hundred purchasers, how many out of each hundred do you suppose would be in arrear; could you strike any average in that way?

I could not give you any figures, but I can state generally that they have paid well, I may say astonishingly well in these last years.

614. In fact, they ordinarily pay their instalments?

Yes, certainly; so far that fact is rather encouraging. The payments of instalments have been made very much more punctually than payments of rent.

615. So that if any large scheme of this sort was adopted in such a way as you have suggested, and the tenants in Ireland availed themselves of it, the practical risk of arrears which the Land Commission, or the Government through them, would run, would be very small?

The experience is so limited that it is difficult to base any certain conclusion upon it. The number of purchasing tenants; peasant proprietors, you may call them, under the Church Act, is only about 6,000 or 7,000; you could hardly take that as a basis for calculating what would be the case if there were 400,000 or 500,000 who had to pay.

616. *Chairman.*] The number under the Church Act is 8,432, according to your evidence before the Committee of the House of Commons?

I have no doubt that is correct.

617. Earl of *Pembroke* and *Montgomery.*] You are afraid, in fact, that there might be a "no instalment" agitation set on foot?

But it would be a very different thing to fight with the Government of the country from fighting with individual landlords. I think the instalments could be recovered much more easily than a landlord could recover his rent; there would be no intimidation.

618. Viscount *Hutchinson.*] At present, under the Act of 1881, I understand that the advance is three-fourths of the purchase money?

Yes.

619. What is it upon the sales under the Landed Estates Court?

The advance is three-fourths now in every case. Under the Bright clauses the advance is only two-thirds.

620. But it is still possible to make sales under those clauses through the Landed Estates Court?

Yes; but now the Land Commission can advance money when sales take place in the Landed Estates Court.

621. And they would have the power to advance three-fourths?

Yes, and consequently nobody would now proceed to sell, only getting two-thirds when he can get three-fourths.

622. Lord *Tyrone.*] Are you aware, with respect to the sales which have taken place, what number of years' purchase of the rentals existing before the passing of the Act they were made upon?

No, I am not.

623. You

623. You mentioned Lord Lansdowne as having asked the Commissioners to settle between him and the tenants as to sales?
Yes.

624. I should like to know what the usual form of application would be for the landlord to do that?
I have it here; it is one of the forms at the end of the rules.

625. Were the church lands, with regard to which you had the management of sale, sold at the full selling value?
We got as much as we could for them.

626. Do you know what proportion the rents of those lands bore to Griffiths' valuation?
It depends upon what part of Ireland they were situated in. In the north the difference between the valuation and the rent was comparatively small; in the south it was large.

627. What average rate of purchase did the Church Commissioners get?
I think we got about 22 and some fraction years' purchase of the rent.

628. *Chairman.*] Was not it from 23 to 23¼ years' purchase, according to your former evidence?
It is stated in the Church Commissioners' Report; but if I said so in my evidence I am sure that that was correct, for I gave that evidence after having looked at all the figures.

629. Lord *Tyrone.*] You stated in that evidence which you gave before the Committee of the House of Commons, that there was an unwillingness at first to purchase?
Yes.

630. As there is at present?
Yes.

631. But in that case the tenants got over it?
Yes; I think the cases were quite different. Then they were reluctant to purchase from ignorance; they only wanted the thing explained to them, and as soon as they understood what they were about and what was required, they were very anxious to purchase and to change their position from being tenants to being owners; but I think the case is different now.

632. Earl of *Pembroke* and *Montgomery.*] Is it not the fact that they know very well that if they had not purchased, the land would have been sold over their heads to the highest bidder?
Yes; and that was a reason for purchasing. They did not like the idea of a new landlord coming in over them.

633. Lord *Tyrone.*] It was stated just now that 23 years' purchase was obtained upon the sales under the Church Act; what number of years' purchase of the old rents do you suppose, from your knowledge of Ireland, land would fetch at the present moment?
It is found really to be practically unsaleable, and therefore it would be impossible to fix any number of years' purchase.

634. In that evidence you stated that you considered the lands that were sold "fairly rented?"
Yes.

635. And fully as high as those of the landlords near them?
Certainly.

636. By saying "fairly rented," did you mean lowly rented when you gave that evidence; I refer to your evidence given in 1877?
I suppose I meant that the land was let at the average rate of letting in the country.

637. Yes, and did not mean what is called "fairly" now, which is lowly rented?

No, I had no idea of that sort in my mind at that time. I am sure that I meant it was the ordinary market value of the land.

638. At that time you considered that 23 years' purchase would be a fair average price for land fairly rented?

Yes; but I think we got a higher price than they got in the Landed Estates Court, because the advantages were so great. In the first place, there was only the necessity of paying one-fourth down, and that was a great inducement to people to buy. I think the price we got was higher than the price that was obtained in the Landed Estates Court for that reason amongst others.

639. I think I heard you say to my noble friend near me that that purchase money, or the instalments of it, had been well paid since?

I cannot say that it has been absolutely well paid, but it has been relatively well paid. Those instalments have been paid very much more punctually than rents have been paid throughout Ireland. But I would also say that the peasant proprietors are complaining very much of having to pay those instalments. They are paying; but still they complain.

640. Do you consider that they are complaining because of the reduction made by the Courts in other rents?

They are complaining because they see their neighbours all getting their rents reduced, whilst they are bound to a payment which was put upon them before this new state of things arose.

641. And that payment was actually in excess of their old rent, I understand, taking in the county cess and the poor rates?

The noble and learned Lord in the Chair made a calculation just now which went to show that. But it would to a certain extent depend upon the rate at which they could borrow the quarter of the purchase money, and I suspect that in most cases they did not get their money at four per cent. Some often borrowed it, I believe, at a very high rate.

642. *Chairman.*] If so, their annual payment would be more still?

I think that is one reason why some of them have failed, that is to say they borrowed the quarter at a very high rate of interest, and that crippled them.

643. Lord *Tyrone.*] But even according to the Chairman's calculation it would be higher than the original rent?

Yes.

644. For the reason you have stated, you consider that probably it was a great deal higher than the original rent?

I would not say "a great deal higher," but higher. If they borrowed the quarter of the purchase money their annual liability would be, I should think, larger now than it was before.

645. Taking the rents as fair average rents in Ireland, and having regard to what you have just stated, that the instalments are higher than the old rents?

No; the instalments would not be higher than the old rents, but the instalments, plus the interest on the money borrowed, would be higher, adding in also the county cess and the poor rate.

646. The absolute sum of money which the tenants have now to pay would be higher than the old rents; that is to say, the instalments and the interest on the money borrowed?

I should think it would be higher.

647. Taking that to be so, would not that be a proof that on the average the land of Ireland was not overlet?

I do not see how it proves it.

648. Taking the tenants who purchased as average tenants (as you stated just now), seeing that they are now paying more than their original rent, and that they have been able to pay it, even in the bad years, as you have stated, would not that be a proof, if they are average cases, that the land of Ireland is not, as a rule, overlet.

No,

No, I do not think it would. It would prove that those men are paying under, perhaps, very great pressure, and in very great straits; but it would no prove that they are not paying too much.

649. They are paying more than the original rent, according to your statement?

Yes; but that may be a great deal too much. I do not think that the fact of a man paying his rent proves that the rent was a fair one, because he may be working night and day. He may be paying his debts honestly; but still the rent may be too high.

650. If he is paying a good deal more than his rent, as you say he has been doing, does not that prove that his rent was a fair one?

It does not prove that it was a fair rent; it proves only that he was able to pay it.

651. Lord *Brabourne.*] If he pays it for a great number of years consecutively, is not that a good test of its being a fair rent?

It is a test of his ability to pay it. I do not think it is a test of its fairness.

652. Lord *Tyrone.*] My question was with regard to the fact of the purchasers under the Church Act having paid more than their original rents; taking those to have been the average rent, if one of those purchasers has been able to pay more than the original rent, surely that is more or less a proof that the original rent cannot have been excessive?

It only proves that he was not absolutely unable to pay it; I do not think it proves that it was a fair rent.

653. Earl of *Pembroke and Montgomery.*] If you could tell us the exact percentage of tenants who have failed in these bad years to pay their instalments, that would be very interesting?

I could not tell you now, but the information could be furnished to you from the office.

654. Duke of *Norfolk.*] The fact which you have stated shows that the Government is able to draw, and is in fact drawing, a higher annual payment from the tenants than the landlords can draw?

Yes.

655. Have any cases of actual hardship among the purchasers under the Church Act been brought forward?

Yes, they are complaining most bitterly of it; but still as a class they are paying fairly well.

656. Lord *Tyrone.*] In your former evidence, which I again refer to, you stated that one-third of the tenants purchased for cash?

Yes.

657. I infer from that that the cash was in their own hands; that it was not borrowed money?

That we had no means of knowing. We insisted upon cash payments. If the purchase money was below 50 *l.*, we would not take anything but cash under the Church Commission.

658. *Chairman.*] As regards present payments by the Church tenants, I suppose they are now getting far on in their payments, and coming towards the end of them?

No; in the case of those who took the full advantage of the Act, the terminable annuity extended over 32 years; so that as regards even those who purchased at the commencement of the Church Commission, only a small portion of the annuity has run off.

659. The payments have been going for about 10 years, have they not?

I think we did not begin to sell much under the Church Commission until about the year 1872 or 1873. The sales commenced about that time, and extended up to 1878.

660. You have this hold upon them now, that you have a guarantee for their payments, because they would forfeit pretty nearly one-third of the whole sum if they did not continue to make them?
Yes; a good deal of the purchase money has come back in the shape of instalments.

661. Of course that is a security?
Every year that they pay adds to the security, of course.

662. The danger of their failing to pay is greater, of course, in the first 10 years than afterwards?
The longer they pay, the more they feel themselves disposed to go on paying.

663. Viscount *Hutchinson.*] Had they a right to alienate or sell their lands under the Church Act, after a certain time?
Yes, subject to the mortgage. There was no condition made. A man might sell his land which he had purchased from the Church Commission, subject to the charge which the Commission had upon it.

664. He might do so the day after his purchase was completed?
Yes, directly after he had made the purchase.

665. Lord *Tyrone.*] Let me read to you an answer which you gave to the Chairman of the Committee of the House of Commons: "I presume in many cases the tenants must have money of their own, from the number of cash purchases which have taken place. A man who has not money of his own would not be likely to borrow it at 5 per cent. when he could get it at 4 per cent."; and then you were asked, "As nearly one-third of the tenants purchase for cash, you presume that the tenants, as a body, have money to complete the transaction?" Your answer was, "Yes"; that is the point of my question to you?
Yes; those tenants purchased for cash. The majority of them were persons whose payments were less than 50 *l.*

666. But at that time you were of opinion that they had money of their own?
I suppose I was of opinion that those men who purchased for cash had money of their own, for I see that I said so.

667. Would not that bear out my former question; if one-third of the tenants out of such a number as that had the money to purchase for cash (which you stated they did), would not that be a proof that the rents of Ireland, as a rule, were not excessive; because they had not only paid their rents, but had saved so much money as enabled them to purchase for cash, according to your former evidence?
I do not think it would prove that. I think the fact that a man has been able, by very hard work, to put by a little money, is not a proof that his rent was not excessive.

668. Not although he had paid his rent at the same time?
No.

669. If a man was able to pay his rent and put by sufficient money to buy his holding, you think he would not be living and thriving?
No, I should think he might be living on bread and water; and, besides, I do not think you sufficiently consider that these men who bought gave very small sums. A great many of the holdings were town-lots, and in those cases the man did not live out of the holding at all. We sold a great many single houses, and in those cases the man's rent was very trifling, probably he may have had some other trade; he may have been a fisherman or a saddler, for example. A great proportion of those men who bought for cash were householders in towns.

670. A third of the tenants who purchased altogether?
For instance, in Dublin we sold a great number of houses; many of those who bought them were put down as tenants purchasing for cash.

671. In

671. In answer to Question 1497 in your evidence before the Committee of the House of Commons, you stated that the industry of the tenants who purchased was very much stimulated?
Yes.

672. Would you not consider that it would stimulate the industry of the tenants generally throughout Ireland to become peasant proprietors?
I should think it would.

673. And you think it would be an advantage to make the purchase clauses more workable?
Very great. I am strongly in favour of it.

674. Both for the landlords and for the tenants?
Yes, and for the general good of the country.

675. In your former evidence, in answer to Question 1505, you said that land which was in hand sold on the average at seven years' purchase higher than the land under tenants?
Yes, that is absolutely correct.

676. And when you were asked what created the difference, you said that it was the tenant-right?
Yes.

677. Would you consider that if the tenant-right made a difference of seven years' purchase, if tenant-right were to be conceded suddenly where it did not exist before, it would reduce the selling value of the land by that amount?
I cannot recollect what I meant exactly by tenant-right there. I see that I said that "some unoccupied land sold for a very much higher price than tenanted land," and that that was accounted for by the tenant-right.

678. Then what answer do you give to my last question?
I could not bind myself to an answer upon that point. I have not considered the matter for years; in fact, I could not answer it.

679. Lord *Tyrone.*] I want to draw your attention to two or three questions and answers in your evidence of 1877; the first one is Question 1512: "And comparing these two prices, you were able to say that the mensal lands, sold in hand, fetched an average of seven years' purchase beyond that of land in occupation"; your answer to that was, "At least that"?
Yes.

680. Then Question 1513 is, "Will you state what, in your opinion, is the cause of the increased price of mensal land, as compared with the tenanted land"; and your answer was, "The reason is simply that it is untenanted"?
Yes.

681. Question 1514 is this: "Then the difference between the two prices represents practically the average value of tenant right"; and your answer was, "Precisely"?
Perhaps I ought to have said, that no doubt that did in my opinion represent the value. I merely repeat what I said then, that I was under that impression, and I daresay it was a correct one; in fact, that was proved to be the difference. There is no doubt that the fact that untenanted land fetched seven years' purchase more than tenanted land, showed that that was, in the estimation of the public, the difference between the two.

682. That being your opinion then, is your opinion now?
I should say that it was so. We have recently sold untenanted Church land at Tuam in Ireland under the Land Commission, in our capacity as administrators of the Church fund, and we sold it, I think, at 40 years' purchase of the annual value. I will not be positive as to that; it may have been 45 or 38 years' purchase, but that it was about 40 years' purchase is my present recollection.

683. *Chairman.*] Were those town parks?
No, pieces of glebe land; just such land as Lord Waterford is referring to in his question.

684. Lord *Tyrone.*] That was with no tenant-right upon it?
Nothing on it of any sort; it was unoccupied land.

685. Therefore that class of land is still saleable?
Yes.

686. But land in the occupation of tenants is not saleable?
So it would appear from there being no demand for it.

687. Lord *Carysfort.*] Do I understand you to say 40 years' value or 40 years' rent?
It was not rented land. I think we probably had it valued, but I am not quite sure about that; you may take my answer to be 40 years' purchase of what the rent would have been if the land had been rented.

688. Not the poor law valuation?
No.

689. Lord *Tyrone.*] There is an answer in your previous evidence with regard to that, as to how to find out the fair rent; you may remember that answer, perhaps?
No, I do not.

690. It was merely what you mentioned to the noble Lord, namely, that you had it valued, and ascertained what a fair rent would be?
Just so.

691. You mentioned in that evidence also what were called the "Bright Clauses," under the Act of 1870; you said that if you made the judge the seller to the tenant under those clauses, and he agreed with the landlord as to the price, it would be an advantage?
I am not sure what the context was.

692. You will find it in reply to Question 1527?
What I had in my mind then, I presume, was that if the judge's only function was to sell the land, he would be in a different position from having to consider the landlord's interest, which I believe the judge of the Encumbered Estates Court was obliged to consider. He could not do as he pleased, as the Church Commissioners do.

693. But you proposed there that the landlord and the judge should come to an agreement before it was offered to the tenant?
I went on to say that that mode of acting would relieve "the tenant of the onus of fixing the price of his own land. An illiterate tenant in the west of Ireland does not know whether it is worth 21 or 23 years' purchase." I presume what I had in my mind was, that an offer should be made at a fixed price to the tenant.

694. I want to know whether you think any suggestion of the same sort would improve the sales under the present Act; that is, that the Court should negociate with the landlord and then offer the land to the tenant, as you suggested there; do you think that that would be an improvement?
I should suppose that now, under a section of the Land Law Act, when the Commissioners undertook to negociate, they would ask the landlord what price he would take, and they would ask the tenant what price he would give; that I think is the meaning of the Court negociating.

695. I merely wanted to know whether you thought any improvement could be made in the action of the present Courts on the lines of your proposition in answer to Question 1527?
Being pretty well convinced that the tenants will not, in any great numbers, buy, unless the terms are made very much more favourable, I have never turned my attention much to amending the thing. Unless the whole of it is changed, I do not myself think that it will work. I have not looked into those clauses with a view of suggesting amendment, because I think they should be altogether changed. That is my idea.

696. *Chairman.*]

696. *Chairman.*] That is what we understood you to say; and if anything were done on the lines, which, I do not say you recommended, but which you indicated as possible, there really would be no bargain required with the tenants, would there?

None whatever.

697. If an arrangement were made to take them at their present rent, or at any fixed rent, in order to make the thing automatic and self-working, so that after a number of years they would be owners, becoming so by degrees, there would be no opening for negociation, but the thing would do itself?

The question would be, how much the landlord was to get.

698. That is another matter?

Yes.

699. That is quite a different thing?

So far as the transaction with the tenant is concerned, it might be something like the tithe rentcharge which is redeemable in Ireland by a terminable annuity. It was so arranged that the terminable annuity is almost precisely the same as the old tithe rentcharge. The payer, by making application, turned himself from being a payer for ever into being a payer for only 52 years.

700. Lord *Tyrone.*] In answer to Question 1687, you mentioned that the Commissioners raised the rents where the leases fell in under the Church Act?

I see that was my answer.

701. From your knowledge of the working of this Act, do you consider those rises would be knocked off by the Sub-Commissioners?

I cannot tell you. If they were unfair rises, I think they would be; if they were fair, I think the Sub-Commissions would leave them.

702. Would the Commissioners be likely to make unfair rises?

No, I think not. I should say that we raised the rents exactly to the point at which a judicial rent would now stand.

703. Then you do not consider that those rents would be reduced below what they were at the time they were raised?

No, I think probably not.

704. In reply to Question 1765, you said that the Church Commissioners sent down a valuator so as to judge the value, and that it would be impossible for the office in Dublin to judge the value?

Yes.

705. You also stated in answer to a question a little after that, that a valuator was an extremely difficult man to find?

Yes.

706. Do you consider that the gentlemen who have been appointed as Sub-Commissioners are of the same calibre as the valuators that you sent down?

Do you mean with regard to their capacity for valuing land?

707. Yes, and only with regard to that?

I am afraid I could not answer that question; I have no means of judging of their capacity.

708. I think you have been asked to hand in all the forms?

Yes.

709. Have you handed in every form that has been sent out?

I think I have. I intended to bring every form with me, and I believe I have done so. If I have left out any it has been merely by inadvertence. I have also brought a number of forms connected with the financial business of the Commission. I do not know whether the Committee would wish me to hand in those also. They are forms of accounts and such things.

(*The same are handed in.*)

710. Lord *Tyrone.*] You had better hand in all forms and rules which have been issued by the Chief Commissioners since their first appointment?

I have done so. Those forms have all been presented to Parliament.

711. Have you handed in the instructions issued by the Chief Commissioners from time to time to the Assistant Commissioners?

I have brought all those with me to-day.

712. Earl of *Pembroke and Montgomery.*] The Commission issued, I believe, a pamphlet describing the tenure clauses of the Bill, and also another one teaching farmers how to buy their own farms, but I am not aware whether they have done anything to advocate the Emigration Clauses of the Bill; have they done anything in regard to that matter?

They have not, nor have they been able to do anything, though they are very anxious to do so. They find that no application which comes within the provisions of the Act has yet been made to them, either by a public body or a competent person.

713. I suppose it would hardly have been good policy on their part to have attempted to popularise those clauses in any way?

They did not see their way to it at all; they could not take the initiative. It was necessary for application to be made to them.

714. So far, they have remained entirely a dead letter?

Completely; a great many applications from private people have been made to know whether we could assist them, but we have always been obliged to reply that there are no powers under the Act for assisting private persons.

715. In your opinion, are those clauses likely to remain a dead letter in the future?

I should fear, if no change be made, that they will; I do not see much probability of their working.

716. Can you suggest any way in which they might be amended?

The only thing which has occurred to me in thinking the thing over in the last day or two is with regard to enabling boards of guardians to apply under the Act. As the powers of the boards of guardians are now, I do not think they can apply for assistance from the Commissioners under the Emigration Clauses; I think boards of guardians can only bind themselves for the present. I do not think they can bind their successors. I am not very familiar with the point, but I understand that one reason against boards of guardians thus acting is that they cannot bind their successors as to what rates they will put upon the union in order to give security to the Commissioners. I think it would be very advisable that there should be such an alteration as would enable the boards of guardians to come in as a public body.

717. There is one question which Lord Dunraven, before he left, asked me to put to you. It relates to Question 375 of the evidence you gave the other day. In your answer to that question I notice these words: "The number of applications for advances to pay off arrears under the 59th section in which the landlord and tenant concurred"——there any possible way in which the Land Commission could become cognisant of the cases in which the landlord and tenant have not concurred?

They can only entertain an application which is signed by both landlord and tenant. There must be concurrence in that way.

718. It is put here as if it were possible that they might become cognisant of cases in which the landlord had applied, or in which the tenant had applied, and in which they had not concurred, and in which both parties had not applied; is not that the way in which it reads?

In such a case as that no advance could be made. It is necessary for the application to be made in a certain form which is provided by the Commissioners, and that form gives a place for the signatures of both landlord and tenant, and without the receipt of such a form the Commissioners cannot make an advance under the Act.

719. Then

719. Then the words "in which the landlord and tenant concurred," are practically meaningless there. This is the way in which the answer reads: "The number of applications for advances to pay off arrears under the 59th section in which the landlord and tenant concurred has been 534"?

Probably if I were correcting that evidence, I should strike that out as misleading. It would rather imply that there were applications in which they did, and in which they did not, concur.

720. I wanted to know whether any applications had been made by either party in which the other had not concurred?

It would be incorrect to say that no application had been made, because the tenants very often write up asking for advances, and we are obliged to answer them that no advance can be made except on a joint application of landlord and tenant.

721. Duke of *Norfolk.*] How far do the Sub-Commissioners, in different parts, act upon the same grounds in deciding the cases that come before them? Are you able to say, from any information that comes before your office, whether their practice is the same in considering the proximity of property to towns and things of that sort, or may it not happen that one Sub-Commissioner would take various things into consideration that another one would not?

That is possible; they have the Act to uide them.

722. They have no guide but the Act, have they?

They have no guide but the Act.

723. Have they no common understanding, or anything of that kind?

None that I know of.

724. We are informed that the landlord has no knowledge given him of the improvements for which the tenant intends to claim a diminution of rent. What information does he receive before the case actually comes on, or to what extent is he absolutely in the dark?

He is absolutely in the dark as to what the tenant wants, except that he knows that the tenant claims a reduction of rent.

725. The fact of the case having been brought into court, obviously indicates that a reduction of rent is asked for?

The originating notice states that fact. I think the way the originating notice runs shows that it is a reduction of rent that the man claims.

726. Obviously it would show that, because it could mean nothing else; but beyond that he is absolutely in the dark, is he not?

Yes, he is in the dark as to the grounds on which it is claimed.

The Witness is directed to withdraw.

NOTE to the Evidence of Denis Godley, Esq., C.B.

24, Upper Merrion-street, Dublin,
14 March 1882.

My Lord,

IN my examination before the Committee appointed to inquire into the administration of the Land Law Act, of which your Lordship is Chairman, I was asked whether the Land Commissioners accepted a judicial agreement for a fair rent with the signature only of the agent of a landlord attached to it, and without ascertaining whether such agent was in possession of a power of attorney from his principal, I replied that the practice of the Commissioners was to do so; but that, as the point was of importance, I would give the Committee further information on the subject.

I have now to state that though a judicial agreement, signed by an agent, is accepted for lodgment in this office, such agreement will not be filed until the landlord has had an opportunity of objecting.

A list of the agreements which it is proposed to file will be sent to the address of every landlord in the list who has not himself signed agreements, so as to enable him to make an objection if he wishes to do so. No certificates of the filing of agreements have as yet been issued.

I am, &c.
(signed) *Denis Godley.*

To the Right Honourable
the Earl Cairns.

MR. HUGH STUART MOORE, is called in; and Examined, as follows:

727. Viscount *Hutchinson.*] You are a Solicitor practising in Dublin, I believe?
I am.

728. Your practice has enabled you to judge largely of the operation of the Land Act, has it not?
Yes.

729. In fact, you have at this moment cases pending in the Court which have not yet been decided?
I have a large number of cases; some have been decided and some have not been decided.

730. Perhaps, as you are acquainted with the form of procedure, you would describe the initiatory steps which take place in actions raised under the Land Act?
In proceeding to fix a fair rent, whether initiated by the landlord or the tenant, the first step in Court is the originating notice; pleadings, which form the basis of proceedings in other courts, are abolished altogether, or rather are not required.

731. What do you find upon the originating notice?
Simply the claim of the tenant to have a fair rent fixed; it also states the present rent, the Government valuation, and the acreage.

732. Nothing further?
Nothing further, except names and addresses of landlord and agent.

733. Do you look upon it in any way as a full statement of the landlord's or tenant's claim?
Far from it; in an ordinary suit in the Court of Chancery or the Common Law Courts, as your Lordships are aware, a full statement of the case appears upon the pleadings; there being no pleadings in these cases, and nothing but a notice, no statement of that kind appears.

734. In fact the party who is served with this notice is left entirely in the dark as to the case which he has to meet?
Entirely; that is particularly so with regard to improvements.

735. Is there any way of obtaining particulars?
There is a way, but it does not appear upon the originating notice. I consider one of the great difficulties in the way of either the landlord or the tenant is, that there is no statement of the nature of the improvements that have been made, if any, nor is there any statement of the value of those improvements, or of the date when executed. Therefore the landlord can neither tell what part of the value of a farm is due, according to the tenant's view, to his own labour, nor can he tell in regard to the improvements that have been made whether the tenant has been compensated by length of enjoyment in occupation or otherwise, because he does not know the date at which the improvements were made.

736. *Chairman.*] You mean that that is the case, supposing he or his agent is not acquainted with the history of the holding?
Whether they are acquainted with it or not, they are not aware of the case that the tenant proposes to make.

737. Viscount *Hutchinson.*] As I understand, under the Rules of Court as published by the Commissioners, there is no rule necessitating any paper of particulars as to improvements or anything else being furnished either by the tenant or the landlord?
None of the rules of which I am aware provide for it. The practice is that you serve a preliminary notice on the tenant demanding particulars.

738. *Chairman.*]

738. *Chairman.*] Is there not a rule of Court that enables either party to apply for particulars?

I think only in cases where the landlord seeks to purchase the holding at the fixed specified value of the tenancy.

739. Rule 98 is this: "Wherever a specified value for the tenancy has been fixed, and the landlord having received notice of the tenant's intention to sell, claims to purchase the tenancy, but there is a disagreement between the landlord and the tenant as to the amount to be paid for such tenancy, having regard to the provisions of Section 8, Sub-section 5, of the Act, either party may make application to the Court to ascertain the amount of the purchase-money under the said Sub-section;" if the landlord's notice under this rule be first served, the tenant shall be bound to serve his notice within one fortnight after receiving the landlord's notice, and if the tenant's notice be first served, the landord shall serve his notice within one fortnight after receiving the tenant's notice. Then Rule 99 is, "Either party may demand from the other before the hearing of such application, and, if necessary, may apply to the Court for particulars of the case intended to be made, either as to increase of value by means of improvements or diminution of value by dilapidation of buildings, or deterioration of soil." Do you read that 99th Rule as only applying to cases where the landlord claims to buy the tenant's interest?

Yes; where the landlord claims to buy the tenant's interest, the specified value having been fixed; that is the way I should read it.

740. You read Rule 99 as only applying to Rule 98?

I read it as referring to "such application."

741. Does not "such application" go back to Rule 94: "An application to the Court to fix a fair rent may be made by notice in form," so-and-so?

I should not so refer it; but that is a question perhaps purely of law, and I do not think the Commissioners so read it either, because they insist upon the service of a preliminary notice, in the first instance demanding particulars, and then a notice of motion.

742. But the 99th Rule contemplates that a notice of motion will be served, because, if necessary, parties "may apply to the Court for particulars of the case intended to be made"?

Yes; but if that were so, it seems to me it would dispense with the necessity for any preliminary notice, because the tenant would then be aware that he must give the particulars.

743. But the Rule says that, "either party may demand from the other before the hearing of such application, and if necessary may apply to the Court for particulars," so that the first thing is to ask the opposite party for the particulars: if they are not given then he is to apply to the Court?

Yes. I am afraid in my first answer I did not clearly convey my meaning; I meant to say that there was no rule compelling the tenant to furnish the particulars as part of his case. But whether there is a rule or not, there is the practice that you can compel those particulars to be furnished by an application to the Court.

744. We understood from the last witness that that was his view of the practice; that you might call upon the tenant to give the particulars, but that you had no means of compelling him to give them?

Without an order.

745. And if he did not give you the particulars you must then go to the Court?

Yes.

746. But this 99th Rule surely applies to the case of fixing a fair rent?

I have never so read it.

747. I do not wish to give an opinion about it, but we understood from the last witness that in practice it was so read?

In practice they do make the orders when applied to, but not, as I understand it, by virtue of the 99th Rule.

748. Viscount *Hutchinson.*] There has been a ruling in the case, I understand, has there not?

Yes, there has been a ruling. I speak now from hearsay, because I myself have not had a case decided on an application for particulars.

749. *Chairman.*] I put this question to the last witness: "How does that work. Supposing that the landlord wants to obtain from the tenant particulars of the improvements that he intends to rely on, he must apply to the Court in Dublin?" and his answer is, "He must apply to the Court in Dublin; because, although I do not think it is the custom, I have known one or two cases in which the landlord has required from the tenant a statement of the improvements in respect of which he claimed that the rent should be reduced, and I think the tenant disregarded them, and was entitled to disregard them unless there was an order from the Court requiring him to furnish them"?

Yes; that is so.

750. Supposing the Court makes this order upon the tenant, what does it do about the costs?

I am not personally aware of the practice, but judging from the decisions in every case it appears that the landlord abides his own costs.

751. The Court has not, so far as you know, said, "The tenant when he was called upon ought to have given the particulars, and because he has not done it we will make him pay the costs"?

No; I should add, perhaps, that Mr. Commissioner Litton lately said that the intention or idea of the Commissioners was that in future such applications should only be granted in cases where the tenancy was above the annual value of 12 *l.*

752. Viscount *Hutchinson.*] I suppose I am right in believing it to be your view that that being the case the necessity of making application for particulars to the Court, puts the suitor who has to apply at a particular disadvantage, whether landlord or tenant?

Certainly; that is my view.

753. And more than that, that the form of the originating notice stating, as it does, no particulars even as regards improvements or as to the amount of reduction of rent looked for by the tenant, also places him at a considerable disadvantage?

I have always thought so, particularly with regard to the tenants, there being no limit to the tenants' demand. I think the decisions of the Sub-Commissions (in the first instance only) invariably awarded costs against the landlord. They would have decided differently as to the costs in all the cases if the tenant had been obliged to state the limit of his demand, because then upon equitable principles whichever suitor came nearest the rent subsequently fixed as the judicial rent, would have been entitled to his costs, or would, at least, not have been liable to have costs awarded against him.

754. In fact, you suggest that ignorance on the part of the landlord of what the tenants demand, or the exorbitance of the demand, very often prevented a settlement out of Court?

Yes, I think it prevented settlements, decidedly.

755. Would you suggest any way in which the practice might be amended in this respect particularly?

I certainly think that the originating notice should contain all these particulars: the nature of the improvements, the date when they were effected, and both the capital value, and the annual value, of those improvements as estimated by the tenant, or that subsequently to the originating notice those particulars should be furnished, but in ample time for the landlord's valuator to have them with him when visiting the lands, because, without those particulars, the valuator is at a disadvantage. His evidence of value must be regulated by what he sees, and also by what he knows to be admitted and to be in dispute between the parties.

756. You think, then, that the landlord's valuator's duty would be facilitated, and

and that it would tend perhaps to arrangements out of Court if that course were adopted?

I think it might.

757. We have heard a good deal from the last witness about the record of improvements for the future guidance of the Court, and we understand that there is practically no official record of that sort, except notes taken by the Sub-Commissioners; does it not strike you as being extremely dangerous that there should be no record kept of improvements in Court, both with a view to appeals at the present time, and fixing fair rents 15 years later?

Both with a view to appeals, and fixing fair rents 15 years later, I think it is a most serious defect. Practitioners in the Land Court have never known what record is kept. Unless a record is kept of improvements, of the amount claimed by the tenant, and of the amount awarded to the tenant, and in respect of what improvements, the landlord (and probably the tenant too) will find himself at very great disadvantage in the future.

758. That is the form in which you would suggest its being kept?

I think those particulars should be kept as a record of the Court, and I have had to think over that matter. The amounts ought, I think, to be specially recorded in the Land Commission Court, and to be open to inspection by either party; they should be kept under an index of both the parties' names; that is, the tenant's and the landlord's name, and also the name of the townland; because, on account of the various changes in tenancies, it will be very hard to discover in the future what particular farm may be in question if the record is only kept under the head of the tenant's name.

759. Lord *Tyrone.*] Are you aware that there was a form sent down to the Sub-Commissioners on the 12th December with a column for that information?

I have heard it, but I am not at all aware of it.

760. Viscount *Hutchinson.*] I will ask you to tell us what you know about the duties and fees payable to the Inland Revenue under the Land Commission?

The duties are almost nil. The fee is 1 *s.* on the originating notice. Of course that is a serious question, and though it is one that does not directly concern landlords, yet it concerns the general public. In an ordinary action to recover damages, upon breach of contract to the amount of 50 *l.*, the fees payable to the Inland Revenue will amount to 2 *l.* or 3 *l.* Here a man may have the capital value of his land reduced by 1,000 *l.*, and the entire profit derived by the Revenue out of that litigation is 1 *s.*

761. *Chairman.*] Can you give us some idea of what the whole cost of trying one of these cases before the Sub-Commissioners will amount to?

That varies very much. The provision in the Schedule of Fees, as at present constituted, is a fixed sum in each case for the solicitor's fee; but it provides that, by special arrangement, the solicitor may recover more from his client. If the solicitor has one case for one client and no more, unless he were residing on the spot (and even then it would be doubtful), the fee would by no means pay him for the work to be done, which includes receiving the valuator's report, examining it, and consulting with his client; for that the fee would be totally inadequate. If, instead of one case, he has hundreds of cases, it is a different matter; so that the cost really varies very much according to the number of cases.

762. Let us take one case. Supposing a landlord has a controversy with his tenant about one holding, and has no other case before the Sub-Commissioners, he must still have the assistance of a solicitor, he may or may not have counsel, and he may or may not have a valuator; but what, generally speaking, would be the cost which the landlord would have to pay in that case?

Unless the solicitor made a reduction, for some reason known only to himself, I think it would amount to something like 5 *l.* or 6 *l.* for the solicitor's fee, 2 *l.* 2 *s.* or 3 *l.* 3 *s.* to the counsel (if he is fortunate enough to secure counsel in a country district); 3 *l.* 3 *s.* or 4 *l.* 4 *s.*, at the least, to the valuator; pro-

bably 6 *l.* 6 *s.*, because he has to visit the farm and value it, and then he has afterwards to attend, for a day, to give his evidence in court.

763. That would be about 14 *l.*?
That would be about 14 *l.*

764. Then, if the landlord had to pay the costs of the other side, which I understand is not generally done now, how much more would that amount to?
Those costs are fixed, absolutely, by the Schedule, and would depend upon the rent.

765. The Court fixes the sum?
Yes.

766. What sum are they in the habit of giving?
The sum is fixed by the Schedule of Fees. On the average holding of from 10 *l.* to 30 *l.* a year rent the solicitor's fee would vary from 1 *l.* to 2 *l.*, that would have to be paid to the opposite party beside expenses.

767. There would be a great deal more than that; the landlord must pay the tenant his costs; then there is not only the solicitor's fee, but the fees of witnesses he may have had to retain. Perhaps he may have had a valuator too, and the Court, as we have understood, is in the habit of fixing a definite gross sum for the costs in that sort of case?
I am not aware myself personally as to what sums they have fixed.

768. Suppose, instead of there being only one case, as I have put it at first, a landlord had a dozen tenants' cases, what would be the difference in the cost to him; it would not be 12 times the cost of one case, I suppose?
No, certainly not. The valuator's fee, for instance, would be reduced, because he would be in attendance in all the cases, probably the same number of days as he may have to attend in one case. It would be very hard to estimate it under such circumstances.

769. Would the solicitor's fee change?
It would certainly, if briefs were prepared for counsel, or if his attendance were prolonged in consequence of having a number of tenants' cases.

770. What would the habit be, would the solicitor receive a fee for each case or for the lump, or would counsel receive a fee for each case, or for the lump?
The counsel receives fees for each case, smaller or larger, as the case may be. The solicitor, I think, as a rule, although entitled to demand his fee in each case, takes it in a lump.

771. Viscount *Hutchinson.*] What facilities are given you at the central office in Dublin for the inspection of records?
I cannot say what facilities they have given of late; that is to say, in the last few weeks; but till very lately they refused access to the books. When you pressed them to state whether the books were not for public use you were never told they were not; but they were always either not forthcoming, or it was said that they were not intended for you to see, and that they could answer you just as well without inspecting them; so that, practically, you were refused inspection.

772. We have had a good deal of evidence upon the subject of notice of trial. What is your experience upon that. I do not mean the originating notice, but the notice when cases are coming on for trial. Can you speak from personal knowledge as to that?
I can. I wrote to the secretary to know what cases were coming on in the county of Tyrone, and he informed me that they hoped to give 14 days' notice in every case. Perhaps your Lordship will allow me to go back to your last question. I find I have here a letter from Mr. Micks, the Registrar, in which he says: "The Commissioners cannot at present allow their books to be inspected, as they are in actual use throughout the day."

773. *Chairman.*] What books are those?
The records, the county books; but they gave a reason then, so that I was merely

merely correcting the answer I had given to Viscount Hutchinson. He states: "14 days' notice of trial will in all cases be given to parties."

774. What was the object in inspecting their county books?
At that time my object was to see the order in which cases were entered as having been recorded.

775. Marquess of *Salisbury.*] They refused you access to that list?
At that time they did, on the ground that their books were in use.

776. Did they refuse to give the information which you asked for. If you wished to know what number a particular case stood at in the list, would they not give you that?
I never knew whether they would or would not. They were most courteous in their answers, but it was absolutely impossible, they said, to give any information then as to the number of cases.

777. What date was that?
That was, I suppose, three weeks or a month after the Commission opened.

778. Have you made any applications later?
I have made later applications, but not to know the number in which any case stood.

779. You do not know, therefore, whether that prohibition to examine the books for that purpose exists still?
I do not.

780. Viscount *Hutchinson.*] Mr. Micks says in his letter that he will attempt to give 14 days' notice; does he not?
No; he says that 14 days' notice will in all cases be given.

781. Is that your experience. Do you generally get 14 days' notice of trial?
Just before leaving Dublin I received a notice giving me nine days' notice, and out of that you may deduct two Sundays; that was notice of lease cases coming on.

782. Do you look upon 14 days' notice as sufficient?
By no means.

783. *Chairman.*] Was that case coming on in some country place?
No; in Dublin.

784. Before the Court itself?
Before the Court itself.

785. What sort of case was this?
To declare leases void.

786. But if you were not ready, would they not have extended the time?
I think they would. An application has been made to the Court in my absence to extend the time, and I believe they will allow it to stand to the bottom of the list.

787. Viscount *Hutchinson.*] What are your reasons for thinking 14 days not sufficient?
There is hardly any proceeding under the Act for which notice is provided, that the Commissioners themselves do not think 14 days the correct period. They have fixed 14 days for the most ordinary notices between landlord and tenant; but a notice of trial is the most important of all If you take an ordinary suit between two parties in a law court, it is instituted at a particular day; step by step that suit goes on, and when the last stage is reached you then get 10 days' notice of trial, so that really from the institution of the suit you have notice that your case is coming on, because step by step you know that your opponent is proceeding. It is not so here, because the originating notice is filed, and you may not hear of it for months. In the present position of business it may not be heard of for years, until you suddenly get 10 days' notice of trial.

788. *Chairman.*] Is there not a considerable difference between an ordinary suit and these cases. In an ordinary suit the intervening time is occupied by the exchange of pleadings, and things of that kind, which go to instruct the minds of parties on either side, or are supposed to do so, as to what is to be tried, but it is all blank here; during the time which elapses between the giving of the notice and the actual coming to trial there is nothing to be done?

That is exactly what I was endeavouring to convey, and that is the way in which I should wish to have put it.

789. Viscount *Hutchinson.*] I suppose there ought to be no reasonable difficulty in extending the time to 14 days?

No; because, as a matter of fact, they have the cases waiting for trial listed in their offices, and when I have applied there for cases they have told me that it is not usual to give them out until 10 days before, although the printed lists are lying there.

790. Marquess of *Salisbury.*] Have mortgagees any notice given to them?

Not in the cases of applications to fix fair rents. In the cases of fixing fair rents by agreements, notices are inserted in the papers that the agreement has been entered into, and calling upon any parties to intervene or object, if they think proper.

791. Notice is put in the papers, but those notices may or may not reach the mortgagees?

They are very unlikely to reach the mortgagees, because the larger number of the mortgagees are English mortgagees, I should say, and these notices are published in the Dublin papers.

792. The Court makes no inquiry whether the rent is subject to mortgage or not?

None whatever, that I am aware of, on such applications.

793. Is the mortgagee bound by the agreement made?

That was very much discussed at one time by Irish lawyers.

794. How was it decided?

It has never been decided; the question has never been raised. It does seem to admit of some doubt; the mortgagee's right, I presume, at common law, is quite clear; he has the legal estate in him, but whether the Act has been sufficiently distinct in creating these statutory terms or not as against the mortgagee I could not undertake to say.

795. Viscount *Hutchinson.*] Would you say that the system of notice to all parties interested, such as middle men and reversioners, is or is not very clearly defined, or very clearly known?

I am aware of one very serious case arising in a western county in which the landlord is the owner in fee of an estate which has been let to a middle man, I think, for three lives. The last of those lives has now very nearly terminated; he is a very old man, and the middle man must have been a long time in possession of this land, which must have largely improved in value since. The middle man has sublet it to a number of tenants; these tenants, as between each other, have given, as I am informed, large sums for tenant-right, and paid large sums to the middle man for the purchase and sale of farms; and they have also paid fines to him. Fair rents have been applied for in this case against the middle man, without notice to the head landlord. In this particular instance the landlord happens to be aware of the fact, and has inquired what his position will be.

796. *Chairman.*] What does the Act say about that?

I think it says, in the 15th Section, that the landlord must take on the sub-tenants when the lease drops. Although the circumstances of the case, holding, and district, are in dispute, and will have to be considered in the cases of the tenants, they really do not concern the head landlord at all; though they very seriously affect his rights, he has had no dealings with the tenants themselves.

797. Lord *Brabourne.*] He had delegated his rights to the middle man, you say?
Yes.

798. On a lease for lives?
Yes.

799. And this is the last life which is dealing with the sub-tenants, quite irrespective of the landlord's rights?
I do not know that the life is dealing with them, but the tenant for life is; the life may not be the owner.

800. *Chairman.*] Have you been concerned before any of the Sub-Commissioners yourself?
Only before one Sub-Commission as yet.

801. Where was that?
At Naas.

802. Did you appear personally yourself or by counsel?
I appeared by counsel.

803. Was that one or two cases?
I only had two cases heard. I have other cases in the list not heard; they come on again on Monday.

804. Was the holding inspected by the Sub-Commissioners?
It was.

805. And did they take evidence, besides, as to the value of it?
They did.

806. And then did they deliver judgment, and state their reasons for their decision?
I was not present at the judgment in this case. There was a fatality about it. They did not give judgment on the day we anticipated they would. They do not generally give reasons. The only reason reported (as the counsel who was present informed me) was, that they brought them back to the old rents. The rents had been raised upon a valuation made for the landlord about 10 years ago.

807. And they brought them back to what they stood at before?
Yes. If I may mention the particular instance, these lands joined the Curragh of Kildare, the military camp, and the old rents were fixed before the Curragh Camp was in existence, and it was considered, before the rents were fixed, that they might fairly be raised.

808. Viscount *Hutchinson.*] To go on with this question of notice, we will suppose the case of a property which was being sold under the Landed Estates Court, and that the tenants had served originating notices on the landlord for a reduction of rent; would not that practically stop the sale?
In my opinion it would. I do not think any purchaser would dream of purchasing under those circumstances.

809. What would the Landed Estates Court do; would they proceed with the sale, or stay it?
I had reason to enquire upon that point very lately, and at first the opinion of the examiners, and the officials of the Court, was that they would lean against permitting the sale to go on.

810. Do any sales take place now in the Landed Estates Court?
One or two have taken place at what the Judge considered, according to his reported observations, a very low value; but now the course, they inform me, they will probably take is to state on the rental that such-and-such tenants have applied to have a fair rent fixed; and I look upon that, of course, as a bar to purchasers; they will not buy law suits.

811. Suppose a tenant goes into Court and chooses after a time to withdraw his case, what is the first notice the landlord would get of that?

No party can withdraw a case without an application to the Court under one of the rules. He must apply to the Court for leave to withdraw the notice; but then if he does not do so the case would be listed, whether the tenant chooses to abandon his case or not, so that if the tenant leaves his case derelict, it will he listed in spite of him, as I understand the practice.

812. Is there any average number of cases which are generally listed for a particular city?

I have seen a very large number on the list, and I should say they vary from 30 to 60; perhaps the average would be from 40 to 45.

813. *Chairman.*] Do you mean sent down to a particular Sub-Commission to try?

Yes.

814. Viscount *Hutchinson.*] You have got statistics, I dare say, as to what is the average number of cases heard?

I should be obliged to state that very widely. I should think that from one-third to two-thirds of the cases listed are heard; sometimes even less than the lowest proportion I have mentioned, and sometimes the list is nearly got through.

815. Still suitors are always obliged to be prepared, if their cases are on the list, to come forward at any moment?

Yes, it would be a very great risk to be unprepared or not to attend, because 20 or 30 cases may be decided on similar grounds, and perhaps very rapidly.

816. Therefore it very often happens that a person is there with his witnesses, valuators, and everybody, waiting for his case to be heard, then it may be adjourned, and six months afterwards he may have to come back to the same place at very considerable expense; in fact, at precisely the same expense that he incurred on the previous occasion?

When he comes back again the expense would be greater of course, because the full expense will be thrown upon the real hearing of the case. The adjournment may cost what adjournments usually do in these cases, fees for valuator, solicitor, and counsel, and a fee probably for the witnesses, so that the cost of an adjournment is an additional cost thrown on the landlord by reason of the case not being heard. That amounts to a very large sum sometimes. I should say if a man has a large number of cases the cost of adjournment may vary from 10 *l.* to 50 *l.*

817. Is there any remedy to be suggested for that?

That depends upon the whole working of the Act; I mean the mode of listing cases for trial. I could not venture to suggest any remedy that would not have the alternative of throwing a large part of the expense on the public, because if the Commissioners list a large number of cases that they think they may get through, the possibility is that they may get through them in half the time, and then be idle until the time fixed for another town.

818. Then a case having been decided by the Sub-Commissioners, supposing there is an appeal, I think a fortnight only is allowed?

A fortnight's notice of appeal.

819. Do you consider that sufficient?

No, that is not sufficient. I think that is amply evidenced by the fact that a large number of landlords who have not appealed in cases heard will have to pay the costs under the old practice of the Sub-Commissions. That has now been reversed by the Chief Commissioners in one case in which an appeal has been lodged, so that landlords who are visited with the costs of the first hearing, and have not appealed, will now have to pay those costs.

820. *Chairman.*] Would an appeal have lain merely on the question of costs?

No, I think not; but if the appellant had appealed upon general principles he would probably have got the costs along with it.

821. Supposing he had appealed upon the merits of the whole case, and had not

not succeeded on the merits of the case, would he have succeeded on the question of costs?

Perhaps I should rather have put it in this way: that I think the appeal would have left the case open for him, and that some way would then have been found by which the appeal not being heard he should have his costs.

822. You do not suggest that he should have an appeal, though that appeal must fail, merely for the purpose of setting right 6 *l.* or 8 *l.* in the court below?

No.

823. Earl of *Pembroke and Montgomery.*] Is there any other reason for giving a longer notice of appeal?

There is every reason; that which I have mentioned is only an incidental reason.

824. I should like to hear what further reason there is?

There is not sufficient time under that notice to consider the effect of the decision. The decision, although only given in one case, may affect an entire estate, and a landlord and his advisers certainly require more time to consider whether they will abide by that decision in the particular case, and take up other cases, or whether they will appeal in order to get it altered.

825. *Chairman.*] The Court in Dublin have power to enlarge the time for appealing?

Yes; but not, I take it, after the time has expired.

826. After the 14 days, you mean?

Yes.

827. We understand they have made a rule which gives them power to enlarge the time, even if it is not applied for until the time has expired?

I think the furthest limit up to which the decisions put it some time ago, was that you have the 14 days after the order is signed, not after the day that it is pronounced.

828. You have only 14 days as a matter of right; but we understand that a rule has been made by which the Commissioners have power, on application made to them, to have an enlargement of the time for taking any step in the proceedings, and, among the rest, for appealing?

That is not one of the rules published in October, and I am not clear about it.

829. Marquess of *Salisbury.*] Would not a rule printed in Dublin have reached you?

I think it would if for one reason alone, namely, that the secretary generally sends those rules to persons known in his Court.

830. If they were even advertised in the Dublin papers, I suppose somebody in your office would take notice of them?

I think so.

831. If they have made the rule they have probably kept it to themselves?

I should not like to go as far as that from my own knowledge; but I have not heard of the rule, and I have been watching the cases very closely.

832. A fortnight is a much shorter time than is ordinarily allowed, is it not, for appeals in legal cases?

A much shorter time than is allowed in the Court of Chancery. Under the old practice you had a year if the judgment were recorded, and you had two years if it was not recorded. I think I am correct in that statement.

833. And analogous periods in other legal proceedings?

Yes.

834. Have you had any information as to the reason which induced the Commissioners to fix so short a time?

None.

835. Do they take any notice of suggestions or remonstrances addressed to them with respect to their rules?

I could not say that; I have never remonstrated as to any rule, except as to the notice of trial being so short.

836. *Chairman.*] Their rules have to come before Parliament, have they not?

They have; the rules are laid before Parliament. There is one point which I would wish to correct, with your leave. I am not clear that you cannot appeal on a question of costs. I see no provision against it.

837. Viscount *Hutchinson.*] With regard to cases of breaking leases, I suppose there is pretty much the same objection as there would be in the ordinary cases of originating notice in the matter of particulars?

Just the same; there are no particulars (as there would be in pleadings in any other court) stating facts as to alleged threats of eviction or undue influence. There again you are met entirely with a case of surprise when the case comes on for hearing. But I presume those particulars would be given upon an application either in a greater or a limited degree.

838. As it stands now, of course, if the landlord is away it is easy to say it was him, and if the bailiff was away it is easy to say it was him?

As a matter of fact, a very eminent member of the Irish bar told me that was the practice among the tenants.

839. Marquess of *Salisbury.*] And if anybody is dead, it is very easy to say it is him?

Yes.

840. Viscount *Hutchinson.*] I do not think I will trouble you about the purchase clauses; we have gone into those very fully this morning; but I would just like to ask you with regard to the investigation of the landlord's title; what is the process as to that?

There has only been one sale or a sale of one estate to a number of tenants, so that I cannot speak at all accurately upon the process as to the title; but the rules are simple, and the landlord furnishes his title in the ordinary way. I have heard an objection made upon the ground that a landlord was unable to sell an outlying estate, or townland, without making out the title to his whole estates, which might mean a very expensive matter, for the sake of getting rid of a troublesome townland.

841. Was there not an Act of Parliament passed five or six years ago to facilitate the registration of title in Ireland?

Not a Registration Act; but there is the Act of last Session, the Conveyancing Act, which would very largely facilitate it. I think in the case of the Land Commission it is to a great extent inoperative. I do not know, but I do not think the Land Commission hold themselves in any way bound to accept title under the provisions of the Conveyancing Act.

842. *Chairman.*] What provision of the Conveyancing Act do you refer to?

As to the responsibility for and expenses of investigations of title as between vendor and purchaser antecedent to the time stipulated as the root of title.

843. Viscount *Hutchinson.*] What does that Act provide?

It gives wider powers now; you have not the same expense in preparation of title, and the investigation is not so strict; conveyances are simplified.

844. *Chairman.*] Are you not aware that on the 5th of January this order was issued: "It is ordered that from and after this date, in lieu of so much of Rule 22 as provides that the Court may at all times extend the time prescribed by their rules for serving notices or doing any other act, the following rule be substituted: The Court shall have power to enlarge or abridge the time appointed by the rules, or fixed by any order enlarging time, for doing any act or taking any proceedings upon such terms (if any) as the justice of the case may require, and any such enlargement may be ordered, although the application for the same is not made until after the expiration of the time appointed or allowed." I suppose that has been published somewhere in Dublin, has it not?

I am quite certain it must have been, but I have never heard of the rule.

845. Marquess of *Salisbury.*] Consequently, you have not heard of its being put into force?

Never; on the contrary, the general impression is that the landlords in this class of cases have been ousted by the fact that they could not serve notice of appeal. I was not at all aware of that rule.

846. *Chairman.*] It does not follow from that that leave would be given in such a case, does it?

No.

847. Viscount *Hutchinson.*] Have you seen a Return presented two days ago with regard to the amount of work that has been got through by the Sub-Commissioners lately?

Yes, I have, and I have made some notes upon it.

848. We are given to understand that of late the business got through by the Irish Land Commission and the Subordinate Commission has been going very fast, and shows a marked improvement upon what it was originally, and that this fact takes away all anxiety as to there being any fear of any serious block of the courts; is that the way you look upon it yourself?

I do not know whether I have taken the figures correctly, but the figures I have here are 3,206 cases of fair rent decided altogether in the Court; and again, if I am correct, since the 28th of January and up to the 24th of February, 4,983 cases have come into Court, so that in one month there are more cases brought into Court than have been decided in four.

849. Lord *Brabourne.*] Have you added the cases decided out of Court?

No, I have not; I have purposely excluded those, because this is with regard to the rate of business.

850. But may it not be the case that as certain principles are decided upon and certain decisions given, more cases will be settled out of Court?

That is just the great difficulty of the Act at present, that no principles are given; we do not know upon what principles to settle.

851. But certain appeals have been made, and some are probably pending. According to the decisions upon those appeals, is it not probable that a considerable number of cases will be decided out of Court?

I think a considerable number will be decided out of Court, but not exactly upon that ground, but rather from the feeling that the landlord's rent is going to be reduced in any event. The decision of the celebrated case of Adams *v.* Dunseath, decided the other day by the Court of Appeal, has decided certain questions distinctly in the landlord's favour, if I may put it in that way; but it is perfectly open to the Assistant Commissioners to give no grounds for their decisions still, and to arrive at a reduction of rent by some other method; no reasons are given as a matter of fact.

852. Lord *Tyrone.*] Do you consider that it would assist very much in making arrangements out of Court if there were some definite line drawn as to the grounds on which these reductions are made?

I think so, decidedly; because in the first place if the landlord looked upon that line as adverse to him and saw no hope of it being reversed, he would settle in spite of everything; and certainly the tenant would.

853. You think the tenant would also do so?

I do, eventually.

854. Marquess of *Salisbury.*] As a matter of fact, is it the general impression that no particular principle runs through these decisions; I am not speaking of whether that is correct or not, but merely asking your opinion as to the state of feeling about you; is that a general impression, or has any principle been discovered?

The view that I have most frequently heard expressed is that of the landlords; and, of course, that is but one side of the question, and their feeling is that no principle is arrived at which guides the decision. I have also heard the views of tenants very freely expressed.

855. What is their view?
Those I have heard look upon the whole thing as a humbug.

856. In what sense do they look upon it as a humbug; it is a great reality in the sense that it does reduce the rent?
They expect a further reduction in a large number of instances, now that the idea has got abroad, if I may put it so, that the prairie value is all the tenant has to pay for; he thinks that due regard has not been paid to his interest.

857. And looks upon this as a mere instalment?
As a mere instalment.

858. With a confident hope of obtaining more instalments later on?
Certainly.

859. But even there, does the tenant think that this instalment has been given to him on any distinct principle, or does he think it has been merely given to him to shut his mouth for the time being?
That is just where I cannot speak.

860. You do not know enough of the tenant's opinions to speak as to their view in that respect?
No; they certainly are aware and feel that no definite principle is announced. They think that their improvements are now being regarded for the first time in the matter of rent, but that more regard should be paid to them; but I have never heard them speak as if there were any definite principle.

861. The Sub-Commissioners never attempt, do they, to draw a line between the reductions they allow on the ground of improvements and the reductions they allow on the ground of other considerations?
No, not in the amount.

862. They simply allow a lump reduction?
They do; but they generally state that it is in respect of improvements. I am speaking now more from reported decisions than anything else; because, as I say, I have only been once before the Sub-Commissions.

863. Lord *Tyrone.*] Have you not employed counsel, or been consulted in a great number of cases?
Yes, a large number.

864. You have had a great deal of experience of the working of the Sub-Commissions, although you have not been actually before them?
Quite so.

865. Viscount *Hutchinson.*] I gather from what you say and from what you read just now, that it is your view that, instead of the business of the court diminishing, it is increasing?
It is increasing.

866. Have you ever made a calculation of when the 70,000 cases are likely to be finished?
I have calculated that variously. I take very much the view that some of the extreme people on the other side take, that it will take about 12 years to exhaust the business.

867. Marquess of *Salisbury.*] To exhaust the present business, without reference to the number of other cases that may come in?
Certainly; that is the view taken by Mr. Healy, if I may mention his view.

868. Viscount *Hutchinson.*] Mr. Healy, the Member of Parliament, you mean?
Yes.

869. It is not very difficult to give us some of the causes of this large number of cases having come into court?
The causes of the original block are various, I think; but they may be attributed, in the first instance, and mainly, to what is known in Ireland as the "extension of the first occasion."

870. *Chairman.*]

870. *Chairman.*] The sitting was made a continuous one for a fortnight or three weeks, was it not?

Yes; under Sub-section 2 of Section 8, it is declared that the rent shall begin to run "As from the period commencing at the rent day next succeeding the decision of the Court."

871. What advantage was gained by the applicants coming in as they did on that first occasion?

The 60th section then declares that "any application made on the 'first occasion'" (that is the wording of the section) "upon which the Court sits after the passing of the Act, shall have the same effect as if it had been made on the day on which the Act comes into force, unless the Court shall otherwise direct."

872. Marquess of *Salisbury.*] What is the effect of that?

That depends on whatever effect the particular order may have in increasing or diminishing the rent.

873. *Chairman.*] I do not yet understand the advantage they gain. The judicial rent was not to run from the date of the application, but from the gale day next after the order of the Court, was it not?

Yes, but under the 60th section it declares that any application made on the occasion on which the Commissioners first sat, shall have the same effect as if it was made on the same day the Act came into force; and the person by whom such application is made, if the Court thinks just, is put in the same position, and has the same rights in respect of his tenancy as he would have been in and would have had if the application had been made on the day on which the Act comes into force, and any order made on such application would be of the same effect.

874. The next is the important part?

"And any order made on such application shall be of the same effect as if it had been made on the day on which the Act comes into force, unless the Court otherwise directs."

875. So that they first create the block of 50,000 or 60,000 cases, or whatever they amount to, and whenever the order comes to be made upon them it will affect the rent from the gale day next after the application?

Upon that point I have the opinion of three very eminent counsel at least, and that is, that it is invalid, but the Commissioners purport to do it.

876. Then what was the advantage they gained in this case?

Mr. Justice O'Hagan declared at the first sitting that the tenants would have this, and therefore the block arose by a large number of cases coming in.

877. Lord *Tyrone.*] I was going to ask you whether it was not known all over Ireland that if any tenant applied to the Court on the first occasion, and got his rent reduced 12 years later, the reduction would date from the passing of the Act?

Quite so.

878. And was there not also another question raised, whether the rent could be collected pending the decision of the Court?

It was raised.

879. Was there not a question raised throughout Ireland, whether it would be possible to collect the rents in any case until the decision had been given?

I think that arose from the statement of Mr. Assistant Commissioner M'Carthy on the opening of his Court, when he told the suitors that the collection of rent would be practically impossible.

880. *Chairman.*] Where did he say that?

I am afraid I could not state the town, but it is perfectly well known, and there is no question about it.

881. Can you supply us with the reference to the statement?

Certainly, I will supply the reference.

882. Lord *Tyrone.*] In regard to the cases lodged on the first sitting of the court, was it in regard to those cases alone?

It was generally in regard to the cases throughout Ireland. He said that rent would be practicably irrecoverable until the fair rent was fixed; but the impression was even wider than that, because there was an impression, not certainly caused by anything which the Commissioners had done, but there was an impression throughout Ireland in many parts that the tenant's rights would be lost altogether if he did not come in on the first occasion to have a fair rent fixed. That was the first cause of the block, I think. Then the second was, perhaps, the fact that, when the tenants attended before the Commission on their application to have a fair rent fixed, one of the Sub-Commissioners decided that, where the Commission considered the rent should be higher and not lower, they would not raise the rent, but that they could only, upon the tenant's application, fix the same or a lower rent.

883. *Chairman.*] That it should be the same or a lower rent?
Yes.

884. Who said that?
One of the Sub-Commissioners; but that was reversed.

885. It was reversed on appeal?
Not on appeal, but by some declaration of the Chief Commissioners.

886. Viscount *Hutchinson.*] Looking at the effects of these Sub-Commissioners' courts, do you believe that it is only cases of excessive rent that will come under the cognisance of the Sub-Commissioners, or do you believe that every class or sort of rent that may exist in Ireland will be touched?

Of course, that again I cannot speak to from my own knowledge, but from circumstances with which I am well acquainted I think that it will affect all classes of rent.

887. You have seen statistics to that effect?
Yes, I have.

888. What has been the general effect of the whole thing to the landlord's interest in land, so far as it has gone?

I have found the effect myself, in many instances; particularly in the impossibility of getting loans now, even for the purpose of consolidating family charges and mortgages.

889. Marquess of *Salisbury.*] Does that apply to Ireland as well as to England; will not people lend money in Ireland?

It is, of course, Irish land I speak of exclusively.

890. You have not made application to English capitalists, have you?
I have, and they will not lend money.

891. Neither English nor Irish capitalists will lend money?

No, nor Scotch capitalists; but, as a rule, I think, Irishmen are rather more free in late years than Englishmen; and, therefore, I mention them only.

892. Do you mean that they are more cautious?
No, they are more ready to lend.

893. Do they refuse now?
Yes.

894. Absolutely?
Absolutely.

895. Does that apply to the Irish banks?

They do not generally lend upon the security of mortgages. Their security is rather personal, and has regard to the position of the person to whom they lend. I do not know how that may be affected, but there is no doubt they are more cautious in lending.

896. *Chairman.*] Have any steps been taken, in your experience, to call in mortgages according to the present state of the things?

Yes;

Yes; notice to call in has been given in every direction; but I find that mortgagees are forbearing because they do not think the estates would realise anything if sold.

897. Lord *Brabourne,*] I would like to ask you one question as to cases you are acquainted with as having come into Court; it has been stated that in all probability the cases first decided have been the worst cases where there have been excessive rents; is that your experience, or do you suppose that there are cases of the same sort that will continue to come in?

I think the cases decided in the first few weeks were probably cases of the greatest hardship; I could not say that for certain. But that cases have come in of the very best character, so far as regards the landlord's dealing with tenants, there can be no doubt.

898. It is fair to strike an average of the 2,000 or 3,000 cases decided; it would not be fair to say that they represent any particular class, good or bad, but that they are average cases throughout?

Certainly.

899. Viscount *Hutchinson.*] To go back to the question of security; I suppose the sales in the Landed Estates Court are one thing that you judge by when you speak of the security of land in Ireland?

Yes; as I said before, some sales are not going on at all; they are practically stopped, and the judges will not force on sales as they formerly did. Where the owner objected they formerly forced them on in spite of him.

900. Do you look upon these settlements out of Court as any great criterion of the fairness of this judicial tribunal?

No; I think the settlements that I have heard of as yet out of Court are really made under what I may call coercion. It is under the fear that the landlord will suffer upon the whole rather worse from the Commission than he may do from his tenants.

901. I suppose there are among the people who have made settlements with tenants few people whose land was rented high?

That I could not say.

902. You have no statistics about it?

No; the settlements made out of Court of course one hears less about.

903. Marquess of *Salisbury.*] It has been asserted that settlements have been made out of Court under coercion, as regards the tenant, that is to say, where the tenant is largely indebted to the estate, and that under threat of eviction he has made a settlement; does that come under your notice?

No, I have not heard of it, but it is of course possible.

904. But your impression is that landlords' settlements have been to a great extent made under duress?

Those I have heard of have been of that character, certainly.

905. Has that duress been applied by the fear that their rent would be reduced, or by the absolute impossibility of getting their rent paid, and so living from day to day?

By both causes I should say; and only very lately I heard from one of the most extensive agents in Ireland that if the impossibility of getting rent continues in the present ratio, and the harvest goes over without getting the rent, the landlord will lose more in that way than in any other way.

906. Duke of *Norfolk.*] You are speaking of cases settled out of Court?

I do not speak of the cases in Court.

907. Marquess of *Salisbury,*] Those will be settlements procured, not by any decision of the Commissioners, but by dread of the operation of the Land League?

What he referred to was the operation of the Land League.

908. Lord *Tyrone.*] Has not the expense attending going into Court been a great element in inducing landlords to agree out of Court if they can?
Most decidedly; particularly the smaller landlords, on whom the expense comes more heavily in proportion than upon a larger estate.

909. Also you consider that their fear of the action of the Courts, as regards their rents, would be an inducement to settle out of Court?
Certainly; and I think that any landlord will settle if his tenants are not utterly unreasonable, although he would never dream of settling except for the fear of the action of the Court.

910. Marquess of *Salisbury.*] Is it your impression that the effect of the operation of the Courts has been to induce a larger and readier payment of rents?
No, that has not been my experience in any way, because I know very little about the west of Ireland, where rents have been absolutely refused.

911. You are not very well acquainted with the parts of Ireland where rents are refused?
No.

912. Lord *Tyrone.*] I asked the last witness whether he was aware that the rule obliging landlords to give fourteen days' notice of sale of the interest in a tenancy had caused the landlords great difficulty in serving that notice; you are aware of that rule, I believe?
Quite so.

913. Has that rule caused great difficulties in collecting the rent?
It has, judging by the reported cases, caused great difficulty.

914. Is that a rule of the Chief Commissioners?
It is.

915. Could you explain why that would not come under the Secretary's notice; Mr. Godley stated in his evidence that the fact did not come under his notice; could you say why?
I cannot conceive its not coming under his notice if he had anything to do with the rules at all, because the validity of the rule has been discussed. It was thought by some people that the Commissioners had no right to prescribe a rule affecting the landlord's common law right, or rather his right as a creditor to proceed for the sale of the farm, and let the sheriff go in under an execution. The Act however does give them power to frame such a rule.

916. They have now given power to serve those notices through the post, have they not?
Yes.

917. Do you not consider it is a great hardship upon landlords to have to serve their tenants twice instead of, as they used to do, once?
I think it is a great hardship, and it puts them in a position in which no other creditor is. A landlord when he sues for rent is taking his right as an ordinary creditor and not his paramount rights as a landlord, and a disability is placed upon the landlord, because an ordinary creditor could not be compelled to serve a notice for sale of a tenancy in that way at all.

918. Earl of *Pembroke and Montgomery.*] Have you found that great inconvenience practically arises on the appeals from the Sub-Commissioners not giving the grounds of their decisions, not saying, for instance, how much rent ought to be set apart for the tenant's improvements, and how much rent is a fair rent for the holding, and so on?
There is great inconvenience in preparing for trial; but there is none in hearing appeals, because at present there has been only one appeal, that is to say, an appeal of any importance. Some 50 have been heard, but they are insignificant appeals.

919. It would practically make a great deal of difficulty, would it not. A landlord would not know on what grounds exactly to appeal, and would have great difficulty in finding out?
Quite so; it would be almost impossible.

920. Lord *Tyrone.*] I asked Mr. Godley whether that particular rule I have now referred to produced great friction and great difficulty in the present state of Ireland, and he said, "My own belief is that there have been very few of those cases; no doubt there must have been some, or the Commissioners would not have made that order; but I think there have been in our office very few applications or notices about the sales of tenancies." Would your experience lead you to believe that there must have been a very large number of those 14 days' notices served?

Yes. I thought your Lordship referred to the rule not being under Mr. Godley's notice, and I could not understand his not being acquainted with the rule; but those notices would not be served through the Land Commission at all; the notices are served on the tenants independently and he would know nothing of them.

921. You are obliged by the Land Commission to serve them in that way?
Yes.

922. Duke of *Norfolk.*] When you spoke of having calculated that it would take 12 years to get through the cases, had you taken into consideration the cases settled out of Court?

No, I had not.

923. That would materially reduce the time?

Of course I was calculating that at the rate that they are at present deciding them it would take 12 years; of course if any of the cases at present in Court are settled out of Court, it affects the calculation I have made.

924. Earl of *Pembroke and Montgomery.*] Is their any machinery existing, apart from this Act, by which tenants are in the habit of registering the improvements they make?

No. Under the Land Act of 1870, there is a provision, but it is practically inoperative.

925. Do you think it would cause great expense to tenants and to landlords if, when a fair rent is arrived at by the Court, they were obliged to register improvements?

None whatever, because I think the Land Commission should do that for them. A Sub-Commissioner has the very best means of judging what those improvements are, and if he arrives at a fair judgment, I think there can be no possible objection to the registration of it, and it does not add in the slightest degree to the cost.

926. Of course the registering of specific improvements would be a great convenience when the holding came to be re-valued at the end of another 15 years?

If something of that kind is not done, the consequences to the landlord it is impossible to foresee; they will be simply fearful.

The Witness is directed to withdraw.

*Ordered,* That the Committee be adjourned to Tuesday next, at Twelve o'clock.

# *Die Martis*, 14° *Martii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of NORFOLK. | Earl STANHOPE. |
| Duke of SOMERSET. | Earl CAIRNS. |
| Duke of MARLBOROUGH. | Viscount HUTCHINSON. |
| Duke of SUTHERLAND. | Lord TYRONE. |
| Marquess of SALISBURY. | Lord CARYSFORT. |
| Marquess of ABERCORN. | Lord KENRY. |
| Earl of PEMBROKE and MONTGOMERY. | Lord PENZANCE. |
| | Lord BRABOURNE. |

THE EARL CAIRNS, IN THE CHAIR.

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MR. THOMAS GEORGE OVEREND, is called in; and Examined, as follows:

927. *Chairman.*] YOU are a barrister, I believe?
Yes.

928. And you have had some experience of the working of the Irish Land Act?
Considerable experience.

929. Viscount *Hutchinson.*] I believe you have been engaged as Counsel for the landlords before Sub-Commission No. 2, which has been going round the counties of Down and Antrim?
I have.

930. May I ask how long you were engaged before that Sub-Commission?
A little over five weeks, during its first circuit.

931. Up to when?
From its first sitting until the 6th of December 1881.

932. You were also engaged in the same interest before the Chief Commissioners sitting in appeals at Belfast, were you not?
During the hearing of 40 appeals from Sub-Commission No. 2.

933. How many appeals were there at that time?
They have only heard those 40, and 12 others; 52 in all.

934. But those 40 appeals arose out of how many cases?
Out of 79 cases.

935. You have also been engaged before No. 12 Sub-Commission, have you not?
I have been with No. 12 Sub-Commission during the whole of its first circuit, from the 10th of December 1881 to the present, save a fortnight.

936. That Sub-Commission sat in what counties?
Cavan, Fermanagh, and Monaghan.

937. Would you give me the names of the members of Sub-Commission No. 2?
Messrs. Greer, Baldwin, and Ross.

 938. And

938. And what are the names of the members of Sub-Commission No. 12?
Messrs. Hodder, Bomford, and Weir.

939. Who are the legal Sub-Commissioners on those two Sub-Commissions?
Mr. Greer, a Solicitor, is the legal Sub-Commissioner on Sub-Commission No. 2; and Mr. Hodder, a Barrister, is the legal Sub-Commissioner on Sub-Commission No. 12.

940. With regard to Sub-Commission No. 2, will you tell the Committee what work it has done?
During the time that I was with Sub-Commission No. 2, it heard 79 cases, and fixed 74 judicial rents; but according to the Parliamentary Return which brings down the work of Sub-Commission No. 2 to a later period, they have done some further work.

941. What work has Sub-Commission No. 12 done?
Sub-Commission No. 12 has fixed about 250 judicial rents up to the present.

942. Do those two Sub-Commissions travel out of Ulster?
No; but they may be removed to other provinces.

943. We will take Sub-Commission No. 2 first; did you notice the rate of progress of that Sub-Commission?
Yes, I can give you details. In the first week they sat at Belfast and Newtownards, and fixed 20 judicial rents; in the second week they sat at Downpatrick, and fixed 15 judicial rents; in the third week they sat at Larne and Ballymena, and fixed 12 judicial rents; in the fourth week they fixed four judicial rents; and in the fifth week and three days, they fixed 22 judicial rents; making in all 74 judicial rents; and they dismissed five cases, which make up the 79.

944. What is about the average?
The average would be less than three cases for each of the 27 working days in that period.

945. What was the amount of rental dealt with?
The rental dealt with was 2,218*l.* 2*s.* 1*d.*

946. And what was the amount of the judicial rents fixed?
The judicial rents fixed amounted to 1,678*l.* 19*s.* 5*d.* Three of the cases were affirmances of the existing rents, two were increases, and 69 were reductions.

947. What did the reductions amount to?
Taking the loss on the entire transactions to the landlords engaged, the reductions were the smallest fraction under 25 per cent.

948. I understand you to say that since you were practising before the Sub-Commissioners they have dealt with other cases?
Yes; in the Parliamentary Return presented to both Houses of Parliament by the Irish Land Commission, the work of Sub-Commission No. 2 is brought down to the 28th of January in the present year, and that shows that the reductions made by the Sub-Commission continued at about the same rate. Taking the counties of Down and Antrim together, the Return shows a reduction of over 25 per cent., the reductions in Down being just under 26 per cent., and the reductions in Antrim being about 24 per cent. The figures showing the old rent and the judicial rent are in the Parliamentary Return.

949. Apart from the question of land value or anything of that sort, do you see any reason why those reductions may be considered to be fair, or small, or excessive?
I have no doubt that the reductions were excessive.

950. On any particular ground of principle laid down subsequently?
Yes; I know now beyond any doubt that they were excessive, because on the 28th of February, in the present year, the High Court of Appeal in Ireland reversed the Chief Commissioners' decision, the Chief Commissioners having on the

the preceding 19th of January confirmed the decision of Sub-Commission No. 2. That decision by the High Court of Appeal shows that necessarily the reductions made in every case decided prior to the 28th of February 1882 must have been excessive to a very large extent.

951. Marquess of *Salisbury.*] You have no means of knowing how far they were excessive until the cases are retried, have you?

No, unless the cases are re-heard on appeal the extent of the loss resulting from those errors of principle can never be known.

952. Because the Commissioners never distinguished between what they gave on general grounds and what they gave for unexhausted improvements?

Never. We could never understand how the judicial rent was arrived at.

953. Lord *Brabourne.*] But many of those cases have not been appealed against, have they?

No; that is a very important matter. The "first occasion" was twice extended for the purpose of serving originating notices; but a rule limited the time of appeal to a fortnight, and that "occasion" has never been extended; and the result is that there are only 704 appeals returned out of the large number of cases that have been decided, and the opportunity of appealing has, practically gone by.

954. What I meant was this: that those landlords who have been proved by the decision of the High Court to have been damnified by the decision of the Sub-Commissioners, have to a great extent now no opportunity of obtaining a reversal of that decision, not having appealed in the first instance?

They have lost it unless they incur more costs. Rule 22 enables the Land Commissioners to extend the time for serving notices, or for doing any other act, and accordingly under that rule a landlord might, by making proper affidavits showing the circumstances, and by a motion on notice moved before the Court in Dublin, obtain (or not obtain) an extension of time upon that motion; but he would necessarily have to pay the costs of the application, and in one instance where an extension of time was obtained the party making the application to have the time for appeal extended did in fact pay the costs.

955. Marquess of *Abercorn.*] In what way did the judgment of the High Court of Appeal show that the reductions had been excessive; do you mean in relation to the tenants' improvements?

Yes.

956. Because there was no direct appeal to the High Court from decisions except on legal points?

The way in which an appeal lies is this. Any person aggrieved by any Order of the Court of Sub-Commissioners may, within a fortnight, serve a notice requiring the case to be reheard by the three Chief Commissioners sitting together. When that rehearing comes on before the three Commissioners sitting together, if a matter of law arises, or, to use the expression of one of the Chief Commissioners himself, if there is a doubt as to principle, a case may be stated, not as to value or as to the amount of the reduction, but as to any principle of law involved in or arising out of the hearing.

957. Viscount *Hutchinson.*] But I rather understood Lord Brabourne's question to point to this: that those suitors whose cases have been decided, and who have now found themselves to be aggrieved by the decision, either of the Chief Commissioners sitting in Appeal or of the Supreme Court of Appeal, are at this moment practically unable to move in the matter of appeal at all; that, in fact, their right of appeal is dead?

Their right of appeal is dead.

958. Marquess of *Salisbury.*] But it is capable of being resuscitated?

It is capable of being resuscitated on the payment of costs by making an application in each case.

959. Supposing that the Commissioners accede to the application?
Always supposing that the Commissioners allow it.

960. What would be the costs of the application?
The costs of the application would be four guineas a side at the least, so that an applicant would pay four guineas for the application and four guineas for the tenant's costs.

961. If he had fifty cases decided against him would he be obliged to have a special motion in each case?
That matter has been considered, and two leading counsel at the Irish bar the other day stated, in Court, that no counsel of any position or standing would take a fee in one case and a nominal fee in the others.

962. He would take a fee for each of them?
There must be a fee for each of them. Of course I, as a counsel, not of the same standing as those eminent Queen's Counsel, would be bound to follow that etiquette as they laid it down.

963. Lord *Penzance.*] But independently of the etiquette as to the fees, the application would be an application to the Court in each separate case?
It would, and it would be necessary by reason of there being separate records.

964. It is necessary, as a matter of form, to make a separate application in each case, and that raises the question as to the fees?
A record is kept with reference to each transaction, and a copy of each thing done must be filed on each record, such as a notice of motion relating to the individual case demanding an extension of time, and on the same record there must be filed the order extending the time.

965. If there were 500 cases, although they all depended upon the same point, there must be 500 applications to the Court, and 500 orders?
Exactly.

966. Lord *Tyrone.*] What is the difference between the cost of appealing in an ordinary case and the cost of appealing when the time for appeal has elapsed?
If you are within the fortnight your solicitor merely delivers a notice to the opposite solicitor, saying, "I require this case to be reheard."

967. And then there would be no costs?
There would be a matter, perhaps, of 6 *s.* 8 *d.*

968. Marquess of *Salisbury.*] But for those landlords who have made agreements out of court on the strength of those decisions there is no hope at all?
None.

969. Lord *Tyrone.*] You mentioned that the judicial rents fixed by many of those decisions were excessive; in fact, I understood you to say that in all those decisions given up to the time when the Dunseath case was heard on appeal the judicial rents were excessive?
I should wish to qualify that by saying that in all the cases in which any question of improvements or deterioration arose, the reductions were necessarily excessive.

970. How was that?
The matter arose in the first instance before Sub-Commission No. 2. The case of David Adams *v.* Mrs. Dunseath, was heard in Ballymena before Messrs. Greer, Baldwin, and Ross, about 15th November 1881. They had previously heard in Belfast a case on Crawford's Estate, or rather a series of 15 cases.

971. Marquess of *Salisbury.*] That is still under appeal, is it not?
It is still under appeal. That was one of the very first cases decided; and in Crawford's case they had laid down principles which they re-affirmed in Dunseath's case. There were appeals in all of them, but the Dunseath case happened to be listed for hearing prior to Crawford's cases, and the same principles were involved. In that decision by the Sub-Commissioners they declined to put any limitation upon Sub-section 9 of Section 8 of the Statute.

972. That is Healy's clause?

That is Healy's clause. They simply read it as it appears the sub-section; and they refused to hear anything by way of a limitation attached to the clause with respect to the time that a tenant might have enjoyed the improvements, or with respect to any benefits expressly or impliedly obtained by the tenant in consideration of the improvements. I should also add that leases to a certain extent, that is to say, expired leases, affected the matter both in Crawford's estate and in the Dunseath case, and the Court decided that improvements prior to the granting of the lease belonged to the tenant. The Chief Commissioners on the 19th of January confirmed the decision of Sub-Commission No. 2 (Mr. Vernon, however, dissenting), and decided that there was no limitation to affect this Sub-Section 9. All that has been reversed by the High Court of Appeal on the 28th of February 1882, and they have decided that this sub-section is limited by the last clause of Section 4 of the Act of 1870.

973. Lord *Tyrone.*] Was the loss to the landlord under those decisions of the Sub-Commissioners great?

Yes. The best way to see the extent of the loss would be to look at the several limitations placed now upon Healy's Clause by the decision of the Court of Appeal.

974. Marquess of *Salisbury.*] Can you give them shortly?

Yes. In the Dunseath Appeal the question was merely whether the last clause of Section 4 of the Act of 1870 limited Healy's Clause, because only the last clause arose in the Dunseath case.

975. What was the last clause?

"Where a tenant has made any improvements before the passing of the Act on a holding held by him under a tenancy existing at the time of the passing thereof, the Court in awarding compensation to such tenant in respect of such improvements shall, in reduction of the claim of the tenant, take into consideration the time during which such tenant may have enjoyed the advantage of such improvements, also the rent at which such holding has been held, and any benefits which such tenant may have received from his landlord in consideration, expressly or impliedly, of the improvements so made."

976. And the Court of Appeal attached that to Healy's clause?

Yes; that and more.

977. What more did they do?

They said that under Section 57 of the Act of 1881 it was provided that any words or expressions in the Act of 1881, which were not defined by the Act of 1881, and which were defined by the Act of 1870, should bear the meaning put upon them by the Act of 1870, unless the same was expressly altered or varied by the Act of 1881, or was inconsistent therewith. The two Acts were to be construed together as one Act. Accordingly, Mr. Commissioner Litton having stated in the Dunseath case that the tenant was entitled to have deducted from the letting value of the holding the increase of the letting value by reason of the improvements, the Court of Appeal in Ireland decided that that was wrong, inasmuch as it confused the definition of an improvement given by the Act of 1870, with the increased value resulting from the improvement; and they held that the word "improvements" in Healy's clause meant improvement works suitable to the holding, and did not include any portion of the letting value resulting from those improvement works.

978. The principal point was that they struck out the letting value, and they provided that enjoyment in the past by the tenant should be considered?

Those were two main points; but there was a third. They decided that a house erected by Adams, or rather by Adams' predecessor, prior to the granting of the lease, was the property of the landlord.

979. Viscount *Hutchinson.*] You were counsel in the case yourself, were you not?

I was counsel in the case before the Sub-Commissioners and before the Chief Commissioners sitting together; but I was unable to attend when it was heard before the High Court of Appeal.

980. Earl of *Pembroke and Montgomery.*] The Clause of the Act of 1870, which you quoted just now, refers only to improvements made before the passing of the Act of 1870, does it not?

That is true; and that particular clause only affected the case of Adams *v.* Dunseath; but the other clauses would, of courses, apply in other cases.

981. *Chairman.*] What other clauses do you refer to?

The other clauses in the 4th Section of the Act of 1870. The principle is distinctly enunciated by the Master of the Rolls; and he lays down that, with reference to the opening part of Section 8, which directs the Commissioners in fixing a fair rent to have regard to the interests of the landlord and the tenant respectively, we must look at the Act of 1870 to find out what was the tenant's interest; and he says that the tenant's interest now in 1882 cannot be greater than it would have been in case the tenant had been evicted, and a claim for compensation were being put forward under the Act of 1870, as amended by the Act of 1881. Therefore, he says that the tenant's interest is such sum as the Court would have given upon a claim for compensation for improvements where a tenant quitted his holding; consequently, a tenant's improvements are subject to the several deductions provided by Clause 4 of the Act of 1870; and although the case of Adams and Dunseath only concerned deductions under the last clause of it, yet Healy's clause may be read as having those several provisoes attached.

982. But the *ratio decidendi*, as you understand in the case of Adams and Dunseath, would go to all improvements?

It would go to all improvements within the exceptions of the Act of 1870. The 4th Section of the Act of 1870 provided that the tenant should be entitled to compensation on quitting his farm, for improvements made by himself and his predecessors; and then follow a number of provisoes limiting that right. There appears no doubt, as a matter of law, that those several provisoes, as far as applicable, are now to be read as attached to Healy's clause.

983. What was the principle with regard to an improvement effected before a lease was granted; was it that upon making a lease you started fresh, and could not go behind it?

The way it was argued on the part of the landlord was, that you could not accept a lease without surrendering any prior interest in the land, though you and your predecessors might have put up improvements upon the land. If you should accept a lease for a term, that was a surrender at law of everything antecedent to the lease.

984. Was that the *ratio decidendi* of the majority of the Court?

There were seven judges, and I do not think the majority agreed upon the reason.

985. Marquess of *Salisbury.*] Have you any means of judging how far those appealed against principles operated in the decisions of the Sub-Commissioners; that is to say, how much loss has been inflicted upon the landlords in consequence of wrongful decisions?

They operated daily, in almost every case.

986. You have no notion of the pecuniary extent of their operation?

In many cases it would be large. I have in my mind several cases in which the rent would have been confirmed.

987. *Chairman.*] That is to say as it stood?

Yes, as it stood.

988. At least you think so?

Yes; in one case I have no doubt, because in one case it was a small house upon a small holding of a few acres. The house was exempted from rent, as being

being the tenant's, but it was erected prior to the lease being granted; and the landlord would have been entitled to a small increase of rent had the house been valued as his property.

989. Lord *Tyrone.*] You apprehend that this decision will have an immense influence upon the working of the Act in future?

If carried out in the full spirit of the judgment of the High Court of Appeal in the case of Adams and Dunseath, it will have a very large effect.

990. *Chairman.*] How many appeals were there from the Sub-Commission which you attended in the North?

Out of 79 cases heard while I was with that Sub-Commission, there were 40 appeals actually heard; but I know that there are 15 more, so that would be 55 appeals from 79 cases.

991. Then of those 40 appeals, how many were heard before the case of Adams and Dunseath was decided?

All were heard.

992. I thought that the case of Adams and Dunseath was one of the 40 cases?

It was.

993. All the 40 cases were heard by the Commissioners?

Yes, and the case of David Adams against Dunseath was the first; but judgment was not delivered until the end of the sitting; and then judgments were delivered in the entire series.

994. Taking first, the decisions of the Commissioners in Dublin on those 40 cases; supposing that any of the parties in those 40 cases had been of opinion that the decision in Dunseath's case would have affected what was decided in those 40 cases, would they have had any means of going to the High Court of Appeal?

There is a clause in the Statute requiring the Chief Commissioner to state a case for the High Court of Appeal wherever a matter of law of importance arises. There were, moreover, four other cases in which Mrs. Dunseath was the landlady, more important than the particular case before the Court of Appeal. The rents were fixed in those cases, and I dare say upon motion to the Court of Appeal in the remainder of the 40 cases, or at least the important ones of the 40 cases, they would permit them all to be re-heard.

995. At all events there is the power of asking them to do so?

I do not know that it is anywhere saved; but the Commissioners seeing the loss the landlords would otherwise sustain, would, I have no doubt, state a case in each of them.

996. Has there been any such application that you know of made?

No, the 28th of February is so recent.

997. Now take the other 39 cases; supposing that any of the persons concerned in those cases thought that the decision of the Sub-Commissioners was erroneous, and would be affected by the law laid down in Dunseath's case, even although the 14 days allowed for appeal are out, might they not go to the Land Court and to the Land Commissioners and ask for special leave to appeal?

Such of them as had not served notice of appeal to the Chief Commissioners are empowered by Rule 22, upon application to the Court, to have the time extended; and, as I have already stated, I knew of an application of that description. A motion was made to extend the time, and the party applying, whether landlord or tenant, I do not recollect which, had to pay the costs of the motion to extend.

998. But had the Commissioners any difficulty in granting the leave?

There were a great many special circumstances in the case, and a misunderstanding between the parties, and they had no difficulty in granting the right of appeal.

999. Was the ground of applying for leave to appeal, the new decision in Dunseath's case, or special circumstances?

Special circumstances resulting out of negotiations between the parties.

1000. Of course, a case of that kind might occasion a good deal of costs; but would there be any serious costs incurred in an application simply upon the ground that the Court of Appeal had decided a new point of law; and that that had been done after the 14 days had expired?

Hardly. I think that the Chief Commissioners would allow the motion, each party abiding his own costs.

1001. Would the costs of a case of that kind, which would not be encumbered by affidavits or other special circumstances, be considerable?

You might say three or four guineas.

1002. So that you might say that the parties to each of those 39 cases, who wished to appeal, would have the chance of applying at their expense now?

Yes, they have the chance of applying.

1003. Marquess of *Salisbury.*] But the Sub-Commissioners have been going on, though the case of Dunseath is recent: have you any ground for relieving that they have taken the decision of the Court of Appeal into consideration in their decisions since the 28th February?

There are no existing reports, save newspaper reports, of that decision. The authorised reports will be printed in a very short time, and after that the full force of the decision will be felt.

1004. Do you mean to say that they are giving decisions against the landlord until the printer is ready with the report?

Your Lordship will bear in mind that only the Chairman of the Sub-Commission has any knowledge of law. The decision in the case of Adams and Dunseath is a difficult one; very elaborate judgments were delivered in it, and my opinion is that its full force will not be seen, except by trained lawyers, for a considerable time.

1005. Lord *Tyrone.*] Am I right in believing, from what you have stated before this Committee, that a great difference is made in this case by reading the two Acts together; the Act of 1870 and the Act of 1881?

It will become at once clear by reading Section 4 of the Act of 1870, with Healy's Clause, and the definition of improvements in the Act of 1870.

1006. That is hardly my question. I asked whether that was one of the great causes of the decision by the Court of Appeal, that they read the two Acts together?

That is the groundwork of the decision.

1007. Up to the time that the decision was given did either the Sub-Commissioners or the Chief Commissioner read the two Acts together in any points?

As far as I was connected with Sub-commissions, they did not; I cannot speak of my own personal knowledge with regard to the other Sub-commissions, but I believe they did not. The Chief Commissioners upon the 19th January distinctly decided that the Act was not limited by those clauses in Section 4; and from the 19th of January to the 28th of February, a period of six weeks, the losses were universal all over Ireland; because each Sub-Commissioner, however doubtful he might have been previously, was bound to follow the decision of the Chief Commissioners given on the 19th of January.

1008. With regard to reading the two Acts together: under the Act of 1870 you are aware that all improvements are taken as having been made by the tenant, unless proved to have been made by the landlord?

That is scarcely a correct statement of Section 5, in my opinion.

1009. Will you state it correctly, and state it briefly?

"For the purposes of compensation under this Act in respect of improvements on a holding which is not proved to be subject either to the Ulster tenant-right

tenant-right custom, or to such usage as aforesaid, or where the tenant does not seek compensation in respect of such custom or usage, all improvements on such holding shall, until the contrary is proved, be deemed to have been made by the tenant or his predecessors in title, except in the following cases;" and then follow six important exceptions from that presumption.

1010. What are those exceptions?

"Where compensation is claimed in respect of improvements made before the passing of this Act: (1.) Where such improvements have been made previous to the time at which the holding in reference to which the claim is made was conveyed on actual sale to the landlord, or those through whom he derives title. (2.) Where the tenant making the claim was tenant under a lease of the holding in reference to which the claim is made. (3.) Where such improvements were made 20 years or upwards before the passing of this Act. (4.) Where the holding upon which such improvements were made is valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of more than 100*l.* (5.) Where the Court shall be of opinion that in consequence of its being proved to have been the practice on the holding, or the estate of which such holding forms part, for the landlord to make such improvements, such presumption ought not to be made. (6.) Where from the entire circumstances of the case the Court is reasonably satisfied that such improvements were not made by the tenant or his predecessors in title: Provided always that where it is proved to have been the practice on the holding, or the estate of which such holding forms part, for the landlord to assist in making such improvements, such presumption shall be modified accordingly." Very little difficulty has been found arising from that presumption.

1011. *Chairman.*] Let me ask you a question about that; all that is presumption of law is introduced by the Statute; and the whole of the section, as I understand, is controlled by the introductory words, "for the purpose of compensation under this Act"?

There will be a future law argument upon the meaning of those words.

1012. Earl of *Pembroke and Montgomery.*] The proviso in the Act of 1870, to which you referred just now about the improvements, to be read with the Act of 1881, also referred only to compensation for improvements on leaving the farm?

Yes, the entire limitations in the Act of 1870 were only concerned with the tenant leaving the farm.

1013. So that the same objection to applying it to matters of rent in the new Act would apply to that, as well as to the other things which the noble Chairman indicated just now?

My own opinion is that Section 5 would now be read as part of the Act of 1881.

1014. *Chairman.*] Notwithstanding those introductory words?

Notwithstanding those introductory words.

1015. Lord *Tyrone.*] Let me ask you, with regard to that; suppose the landlord were unable to prove that the improvements made had been made by his own predecessors in title, might not the tenant's rent be reduced in consequence of improvements made by his landlord's predecessors in title?

That might be.

1016. Earl of *Pembroke and Montgomery.*] Have you any knowledge of whether that presumption, about who has made the improvements, has governed hitherto the decisions of the sub-commissions?

In actual practice I have not found it give any trouble to the landlord.

1017. I suppose practically it would not give any trouble, for this reason: that the tenant would always lay claim to any improvement for which he intended to claim reduction of rent?

The tenant ordinarily claims the whole, and then the landlord reduces the claim.

1018. Marquess of *Salisbury.*] Have there been any cases in the way of purchases in the Encumbered Estates Court in which the landlord was prevented opposing the claim by not having any evidence handed down to him from his predecessor?

That would be one of the exceptions; an estate in the Encumbered Estates Court is generally sold in lots; the purchaser of a lot does not get the rentals and surveys. We had a remarkable case of that in the Dunseath case, because Mrs. Dunseath's husband had purchased part of the estate of Mount Cashel in the Encumbered Estates Court, and at the hearing, an old officer connected with the Mount Cashel Estate was able to produce out of his own custody, surveys and valuations which he himself had made; but they were not in the possession of any purchaser of any part of the Mount Cashel Estate.

1019. So that a purchaser under the Encumbered Estates Court is unable for want of evidence to prove that the improvements were made by his predecessors?

But he is taken out of the presumption by the first exception.

1020. And that is attached to Healy's Clause by the Dunseath Appeal?

I would think so; but that is a doubtful matter of law to be argued.

1021. *Chairman.*] Those matters to which you have been referring, open up a great deal of necessary investigation on the part of a landlord as to how improvements were made in years past. I want to ask you what amount of notice has the landlord of the tenant's case upon those points before he goes into Court?

He has no notice whatever.

1022. Is that literally so. We understand that in the originating notice there is nothing appended to the notice in the way of information as to what the tenant's case is; but how far can the landlord obtain that information before he goes into Court?

The landlord, if his case is not one of those soon to be heard, could serve a preliminary notice upon the tenant out of Court requiring him to deliver particulars.

1023. If there is sufficient time to enable him to do it he may serve that notice?

Yes, heretofore there has not been sufficient time, but it is beginning to be done with respect to cases yet to be tried.

1024. You mean, in the earlier cases which were heard, there would not have been time to have done it?

It was impossible.

1025. Just let me understand how the landlord would proceed, supposing there were time?

He would serve a preliminary notice requiring the tenant to furnish, within a fortnight, say, particulars, with the dates of the improvements which the tenant intended to claim, and to rely upon, in the application for fixing a fair rent. That notice has been served in a great many cases; but the tenant takes no notice of it, and here a difficulty arises. Ordinarily, the tenant has made a bargain with his solicitor to fight each case, say, for 1 *l.* a-piece, and the solicitor does not like to enter upon an investigation of particulars for the limited remuneration which he has already received; and therefore, there being no rule compelling the tenant to answer that preliminary notice, it is habitually, and I may say without exception, disregarded by the skilled practitioner for the tenant.

1026. Lord *Penzance.*] Is that preliminary notice given in accordance with any rule of the Court?

No; it would be irregular to describe it as under any rule, because there is no rule relating to particulars in the proceeding to fix a fair rent.

1027. Is there any rule which says that the landlord may or shall serve such a notice, if he likes?

That

No; but there was Rule No. 99, which led to great mistakes upon the part of practitioners in the Court. The 99th rule provided: "Either party may demand from the other before the hearing of such application, and, if necessary, may apply to the Court for particulars of the case intended to be made, either as to increase of value by means of improvements, or diminution of value by dilapidation of buildings or deterioration of soil."

1028. What do you mean by "such application"?
The application referred to in Rule 98, and it has been so decided by the Chief Commissioners.

1029. Has that been decided?
That has been actually decided upon a motion in which I myself was concerned.

1030. Then the words "such application," in Rule 99, refer to the particular application in Rule 98, which is an application to fix a specific value to the tenancy?
They have so decided, and an important matter arises here. The application referred to is a very peculiar one. The full meaning of Rules 98 and 99 is this: Under the 5th sub-section of Section 8 of the Act of 1881 it is provided that "on the occasion of any application being made to the Court under this section to fix a judicial rent in respect of any holding which is not subject to the Ulster tenant-right custom, or an usage corresponding to the Ulster tenant-right custom, the landlord and tenant may agree to fix, or in the case of dispute the court may fix, on the application of either landlord or tenant, a specified value for the tenancy." But then, that was to enable the landlord, if thereafter notice of sale were given by the tenant, to purchase; and this application, in Rule 98, was, that if there was a difference as to the value of the tenancy above or below the sum that had been specified, and a contest then arose between the landlord and the tenant as to the increase or diminution which had taken place in the subsequent period, then "either party might demand from the other before the hearing of such application, and, if necessary, might apply to the Court for particulars of the case intended to be made, either as to increase of value by means of improvements or diminution of value by dilapidation of buildings or deterioration of soil."

1031. So that you say the rule has been held not to apply to an application for particulars of improvements in fixing the judicial rent?
It was so held.

1032. Then supposing one side, the landlord for example, served a notice upon the tenant for particulars and that was disregarded, and then if he wanted the intervention of the Court to obtain particulars, he would have to apply, not under that rule, but to the indulgence of the Court?
To apply to the indulgence of the Court, and ask that the tenant be ordered to furnish those particulars, showing, in an affidavit, reasons why he ought to get those particulars, and then applying for an order under the general jurisdiction of the Court to make any order for the purpose of carrying into effect the object of the Act. Then you state that it would facilitate the object of the Act if the Court, in the specified instance, would cause the tenant to give you the particulars.

1033. That application would not be to the Sub-Commissioners; it would be to the Court?
Yes.

1034. *Chairman.*] That would require a solicitor in Dublin and counsel, and affidavits to be sworn?
Yes.

1035. And notice given to the other side?
Yes.

1036. What would be the costs of that application?
If you were careful not to have fallen into the mistake of proceeding under

the Rule 99, then you would have no costs to bear but your own; but if you had attached to your preliminary notice, "Pursuant to Rule 99," then the practice was to make you liable for the costs of the application.

1037. Lord *Penzance.*] In the meantime the case might come on before the Sub-Commissioners?

Yes; ordinarily we have arrived at the hearing without ever seeing the particulars. I have never seen particulars in actual practice.

1038. *Chairman.*] Would not the Court, in making the order, order that the hearing should not take place until a certain time after the application for particulars had been delivered?

In an application, in which I was personally concerned, the motion was that the case be not sent down for hearing until a reasonable time after the tenant had furnished the particulars; the Court did make that order, but in a case moved the next day it was said by the Court, that with regard to the case of the preceding day the order was made with respect to a substantial holding; and Mr. Litton stated that he did not think the Court would hereafter grant the applications where the holding was under the annual value of 12 *l.*; so that more than one-third of the holdings in Ireland will be excluded from the application.

1039. Earl of *Pembroke* and *Montgomery.*] You told my Lord, that, as a general rule, the tenant claimed all the improvements upon the holding?

Ordinarily.

1040. If he ordinarily claimed all the improvements upon the holding there does not seem much object in specifying them beforehand?

The agent may have been, in a period of 20 or 30 years, changed several times; the tenant for life, entitled to the rent, may have died, and the remainder man have come into possession, or the landlord may be a minor or a purchaser; and we have found in practice that great difficulty arose, because the dates at which those improvements were made, and whether they were made by the person who was the actual predecessor of the tenant or not, were in doubt.

1041. Marquess of *Salisbury.*] In what form does the tenant claim all the improvements; does he say "all the improvements which have taken place since this was bog and prairie land," or does he say, "this hedge and that pigstye," and so on; does he enumerate them?

He enumerates them; he enters into each barn and stable, and the minutest improvements upon the holding.

1042. *Chairman.*] How does he enumerate them, in opening his case?

In the witness-box he says, "I have made so many perches of fences," or "I have levelled such other fences," or "I remember when I was a child my father doing it."

1043. Marquess of *Salisbury.*] Or, "I have heard that my grandfather did it?"

Yes.

1044. *Chairman.*] Do you mean that the tenant, or his adviser, conducts the case in that way?

That is the tenant's evidence; the tenant's adviser has a very scanty brief, and he puts up the tenant and says, "Did you make these houses?" without knowing exactly whether he did or not.

1045. Earl *Stanhope.*] It is not necessary for the tenant to produce receipts for the improvements he may have made?

No, he will produce the rent receipts if they show an increase of rent.

1046. But if he has put up a pigstye or a barn, is he not called upon by the Sub-Commissioners to produce the Bill he has paid for those improvements?

Never; because the tenant says, "I did it myself; with my own hands, I built this addition to the House."

1047. Is no evidence required, except a statement of that sort?

None; he never has any vouchers.

1048. Marquess of *Salisbury.*] Is no corroborative evidence of any kind required?

I would not say that. He will produce very respectable farmers who will depose to the addition, and it is right to say that in the great majority of instances the improvements are made by the tenants.

1049. *Chairman.*] But an adjacent farmer, who might have seen the improvement made, would know nothing at all as to whether the landlord had contributed to it?

He would not.

1050. You say the adviser of a tenant puts him into the box, and the tenant makes this statement about improvements; how do the landlord and his adviser meet the case; do they meet it immediately upon the spot?

Upon the spot; they do the best they can.

1051. Duke of *Somerset.*] What do they do?

We cross-examine them, sometimes at too great length, and the court calls attention to the time.

1052. *Chairman.*] Have you ever known this said before the court, "This evidence comes upon us without knowing anything about it; it may be true or it may not be true, we wish to make some inquiry, and therefore make application that the case may be adjourned for a few days, when we will either admit the claim, or, on the other hand, disprove it if we are able?"

There has been no adjournment granted without the landlord paying the tenant's costs of the day.

1053. What would that be?

That would differ according to the various circumstances of the cases. When a case is being heard in the country, counsel have to be brought down, so that the costs of the day would mean the whole sum.

1054. Have you known an adjournment granted at all, or granted frequently?

With regard to Sub-Commission No 12, on their first sitting they granted an adjournment to the Marquess of Headfort in half-a-dozen cases upon our paying costs of about four guineas in each of the cases; that would be 24 guineas.

1055. Lord *Brabourne.*] Would not the costs in many cases bear a serious proportion to the rent of the holdings?

The rent of the holdings is very much smaller than English landlords would believe. For instance, 400,000 of the 600,000 holdings in Ireland are under 30 *l.* annually.

1056. Marquess of *Salisbury.*] Do you know what the annual value of those six holdings was?

No, we did not go into the case.

1057. *Chairman.*] Supposing their value to be the maximum that you have stated, viz., 30 *l.*, and the question in dispute, were a reduction or a non-reduction of about 25 per cent., then 4 *l.* costs in the day would be well on to a year's reduction?

Ordinarily a landlord would prefer to go on sooner than pay those costs, but in that particular instance there was a frost; the Marquess of Headfort's estate bordered upon a large piece of bog, and the question of reclamation was a very serious and material question; and the agent to the Marquess of Headfort would have paid any sum for an adjournment. We also undertook, as part of the terms, in the meantime not to sue the tenant for any rent until the cases would come on again.

1058. Lord *Tyrone.*] With regard to the acreage, does the tenant generally put in a correct statement of the acreage of his holding?

No; in more than half the instances the acreage is wrong.

1059. What is the procedure then?

Then a contest arises, and the tenant ordinarily says that he does not understand statute acres.

1060. *Chairman.*] Is he obliged to put the measurement in statute acres?

He is obliged to put the measurement in statute acres, and as a matter of fact, the tenant and his valuators do not understand statute acres; it is impossible then to resist amendment; the tenant tells the acreage in Irish measurement, and some one of those in Court, skilled in reducing Irish into statute acres, puts the statute measure into the notice.

1061. Duke of *Somerset.*] Then the Commissioners may do the acreage in their minds, and give too small a rent?

The acreage easily affects the rent; in many cases I consider that a large part of the reduction is due to the change of acreage in the notice.

1062. *Chairman.*] How do you mean that the reduction of rent is largely due to the change of acreage?

Prior to the passing of this statute the exact area of a holding was not of much consequence, because the rent was fixed by contract, and it was sufficient to say that the farm contained so many acres more or less. Accordingly the tenant gives to the best of his knowledge the acreage in the originating notice, which he usually gets from the clerk of the Poor Law Union, out of the Poor Law Valuation; it may be correct or not, according to the changes in the holding since the valuation. Then the landlord, who himself does not know the exact measurement, sends out his own valuator upon the land, estimating that acreage to be correct. The parties come into Court, and if the tenant is allowed to reduce the acreage by, say, 5 per cent., the landlord's valuator is made to discount his valuation at the average rate per acre.

1063. Do you mean that the tenant, after putting down the acreage at a certain sum in the originating notice, is allowed afterwards to diminish that?

Almost at his pleasure.

1064. Without evidence?

By no means; the tenant usually employs a school teacher, or some person of that sort who understands mensuration and surveying, and he goes out upon the holding, and say he has made a chain survey of the holding, and can certify that it contains so many acres. The Court upon a chain survey will amend as against any other evidence, because the landlord's entries in his books can be no evidence against the tenant; and the Ordnance Map must be scaled off, and it is subject to great variations according to the weather. Scaling is very inaccurate, and unless the landlord is prepared with a chain survey he must put up with the tenant's survey.

1065. What would be the expense of a chain survey to the landlord?

Two guineas a day for the surveyor upon the land; his attendance in Court during the sitting is at least at the rate of one or two guineas a day, and there would be also his travelling expenses coming from whatever locality he resides in. The number of skilled surveyors and valuators is far too few for the demand now made upon them, and poor landlords must go into Court without either a skilled surveyor or a valuator in many cases.

1066. Marquess of *Salisbury.*] Did I understand you to say that the Ordnance Survey is too inaccurate to be relied upon?

It is most accurate as to the acres in the townlands, but the fields have been continually altered by fences being taken down and put up, and by reason of pieces of bog cut out for turf being added to the holding. Moreover, even if the boundaries were unchanged, as shown upon the Ordnance Map, the sheet of paper furnished to the surveyor varies very much with the weather, and the most competent will admit that an error of an acre is quite to be expected in scaling off 20 acres.

1067. *Chairman.*] Supposing the tenant employs the national school teacher to make a chain measurement, is he paid as part of the costs?

He is paid, but not at anything like the rate of a skilled surveyor; he adds to his income in that way.

1068. It must be a material addition just now to his income?

But

But a schoolmaster could not very well continue in his office as schoolmaster if he had to attend the Court; they are persons who are either going to be schoolmasters, or who have retired from that position, who do the surveying usually.

1069. Lord *Tyrone.*] Has the Court any means of ascertaining what the correct area is when it is in dispute?

None, save by evidence; and a large waste of time occurs every day for two or three hours, the Court striving in vain to do justice between the tenants' demand for a reduction of acreage, and the landlord's effort to retain the acreage set out in the originating notice. It usually ends in the Court saying, "Well, shall we divide the difference?" or, "Shall we strike off the odd roods and perches?" and really finding it impossible to resist that application, after a great waste of time, the counsel then consents.

1070. *Chairman.*] Is it your opinion, having regard to the time occupied, and the expense to both parties of their respective evidence that money would be saved if the Court were armed with a measurer of their own to measure the holdings?

That would be a great boon. If the Government would make a survey of the fields as they stand, for both landlord and tenant, it would be an enormous boon to the country.

1071. You do not mean a national survey, but a survey for the purpose of deciding a dispute?

Yes, as cases arise in Court.

1072. Marquess of *Salisbury.*] Could a surveyor work as fast as the Court goes; could he keep a head of the Court?

I have not considered that point, but I think a skilled valuator can value 200 statute acres on a fair day of average length.

1073. Viscount *Hutchinson.*] How much could the measurer of the tenant do in a day?

I could not say exactly.

1074. *Chairman.*] It would depend a good deal upon whether the farm lay in a ring fence, or in many fields?

Yes; the fields in Ireland would average in these small holdings about an acre each.

1075. A square field would not take long to measure?

No.

1076. Would you tell the Committee, if you please, what, under the Act of 1870, was the state of things in regard to a tenant giving particulars; was it by the Act that he was required to do it, or was it by the rules?

Both by the Act and rules.

1077. What was the provision of the Act upon that point?

Section 16.

1078. What does it say?

"Every tenant, entitled under this Act to make any claim in respect of any right, or for payment of any sums due to him by way of compensation, and about to quit his holding, may, within the prescribed time, serve a notice of such claim on his landlord, or in his absence his known agent; the notice shall be in writing in the prescribed form, and shall state the particulars of such claim, subject to such amendment as the Court may allow, together with the dates at which, and the periods within which, such particulars are severally alleged to have accrued; and where such claim, or any part of the same, is in respect of compensation under the provisions of Section 3 of this Act, the number of years' rent claimed shall be specified." Under that section, ten of the judges of the Superior Courts in Dublin, including the Lord Chancellor, the Vice Chancellor, the Master of the Rolls, and the chiefs of the Courts issued rules, which provided for a form of claim for improvements.

1079. What is the number of the rule requiring particulars?

It is Rule 3 of the Judges' Rules of 1870, and Form 1 in the Appendix. "Notices of claim under the 16th section of the said Act shall be in the Form 1, 2, 3, or 4 (as the case may be) in the Appendix to these rules, or as near thereto as circumstances will admit." Then the Form given required the tenant claiming compensation for improvements made by himself and his predecessor in title, to state the nature of the improvements if claimed for, such as permanent improvements, and so on, and then adds, "Every item of demand must be specified with as much particularity as practicable, including dates, amounts, and the nature and description of the claim." The landlord then serves notice of dispute with regard to each particular item. The rules also provided the form of the decree which was to be made by the Court (Form No. 7).

1080. Lord *Penzance.*] Do you know whether that worked satisfactorily? The judges never saw occasion to amend it, and it is in force yet.

1081. Earl of *Pembroke and Montgomery.*] With regard to the specification of improvements, do not you think that many of the tenants being very illiterate people, the specification of the improvements might tend very much to interfere with the working of the Act, and to choke off the applicants at the beginning?

The cases are ordinarily conducted by a solicitor; I have seen none conducted by tenants.

1082. But if the tenant had to put down beforehand every improvement upon which he founded his claim for a reduction of rent, I suppose everything that was not specified would probably be excluded by the Court?

Hardly; of course a tenant could not have taken advantage of the first occasion upon which the Court sat if there had been too many particulars required in the originating notice; but now that 70,000 notices have been served, it would seem reasonable to compel the tenant to serve a supplemental notice giving full particulars.

1083. But what I meant was, if a tenant was obliged to supply the whole of the particulars, would not any he had omitted be excluded?

No, the Court would have all its powers of amendment.

1084. *Chairman.*] Supposing a tenant served an originating notice with a note appended to it saying, "I claim to have made, either by myself, or by my predecessor in title, all the improvements upon this farm," and then did what he could to support that, and did support it, partly, if not entirely?

The notice would be regarded as illusory by the landlord; and if he had time he would give notice of motion to have that set aside, and further and better particulars given. As a matter of fact, the particulars furnished by the solicitor for the tenants in a number of cases in which the Court ordered them to be given did not give dates, but it was a material advantage to get the particulars such as they were.

1085. But under the Act of 1870, they were obliged to give the dates, or at all events, the periods?

The dates are expressly mentioned; both the dates and the periods.

1086. Marquess of *Salisbury.*] Do the Court require, in the case of improvements, that the rule of best evidence shall be adhered to, or will they accept hearsay evidence?

The rules of evidence have not been strictly adhered to, but that is as advantageous to the landlord as to the tenant.

1087. It would be, I imagine, more advantageous to the landlord than the tenant, because the landlord's agent would be obliged to say what the previous agent had told him?

Where the books have been estate books kept at the office, if the tenant had objected to them, the Court might have adjourned the case at the expense of the tenant. I think the Court has been very fair upon the question of receiving the best evidence. In fact, I may say, the landlord has been very fairly treated upon matters of evidence by the Court.

1088. *Chairman.*]

1088. *Chairman.*] You said just now that it was the habit of the tenant to make a specific bargain with his lawyer to do the work for him for a fixed sum?
That is so.

1089. Then what happens if the landlord is ordered to pay the costs?
The bargain in one instance (it would not be right of course to mention names) was that the solicitor should get so much for each case, or sometimes so much per acre for each acre in the holding, and that he should be at liberty to take such costs as he might get out of the landlord over and above the sum received in hand.

1090. So that if he made a bargain with the tenant to do the work for 1 *l.*, and the costs awarded to be paid by the landlord were 3 *l.* or 4 *l.*, he would put the difference in his pocket?
Yes, that was the way the thing worked until the Chief Commissioners decided that they would not make the landlord pay the tenant's costs, except in the case of there being something very unreasonable in his conduct.

1091. Since then it has not been usual to make the landlord pay the costs?
It has not been usual. It has been the ordinary rule that the landlord has not paid the costs; in no case does he pay the costs unless there is something very remarkable in his conduct.

1092. Lord *Tyrone.*] You were engaged before two Sub-Commissions; are you speaking generally of the two Sub-Commissions or of the first Sub-Commission that you were before?
Principally I am considering the actual practice wherever I may have been.

1093. Was not there some difference between the action of Commission No. 2 and Commission No. 12?
A very important difference. Sub-Commission No. 2, in the first 15 cases which were heard, decided that the landlord should only abide his own costs, because he was in Australia and had never heard of the proceedings, but in all the remaining cases, with an exception so trifling that it need not be noticed, they ordered the landlord to pay the costs over and above a 25 per cent. deduction. Now Sub-Commission No 12 went out upon the 12th of December, which was about six weeks after the other Sub-Commission, and they anticipated the rule which was laid down by the Chief Commissioners on the 19th of January, providing that the landlords should not pay the costs; Sub-Commission No. 12 never did, except in a few special cases, order that the landlord should pay the costs.

1094. *Chairman.*] How was that rule laid down, was it in the words of a general order, or in deciding a particular case?
The Commissioners stated it in deciding Dunseath's case.

1095. Marquess of *Salisbury.*] Was it retrospective in its effect; where the landlord had paid the costs was he allowed to have them back again?
No, that decision could not affect any cases except where the landlord had given notice of appeal.

1096. Lord *Tyrone.*] Was the county cess given to the tenants in all cases?
Sub-Commission No. 2 ordered that the landlord should henceforth pay half the county cess, under a misapprehension as to the meaning of a clause in the Act of 1870. The Court considered that they were making a new letting by revising the rent, and that a tenant would thenceforward become a new occupier, and directed the landlord to pay half the county cess; that was an additional 5 per cent. reduction.

1097. But that would not have been recoverable by law?
It would have been binding unless the landlord appealed. Sub-Commission No. 12 never made any orders with reference to the county cess.

1098. Viscount *Hutchinson.*] Was any great difference in the per-centage of reduction made by Sub-Commission No. 12, as against the per-centage of reduction made by Sub-Commission No. 2?
Down to the end of the Parliamentary Return which was to the 28th of

January 1882, the reductions of Sub-Commission No. 2 were about 25 per cent., Sub-Commission No. 12 I have brought down until the hearing of Dunseath's appeal upon the 28th February, and their reductions were 19 per cent.

1099. *Chairman.*] Both of these Sub-Commissions sat in Ulster, did they not?

They both sat in Ulster.

1100. Viscount *Hutchinson.*] Did Sub-Commission No. 12 strike any difference between the actual value of the improvements made, and the improvability of the soil as resulting from improvements made?

I did find such a difference. Mr. Litton, in his judgment upon the first appeal, viz., Dunseath's case, had decided that the whole of the improved letting value caused by the improvement works was the property of the tenant, and should be deducted from the letting value to arrive at a fair rent. That was doubted by Sub-Commission No. 12, but it was binding upon them; they had a distinct opinion that the improvability of the soil belonged to the landlord, and that is the view which is now held to be right.

1101. As decided by the case of Adams and Dunseath?

Yes.

1102. *Chairman.*] When you say they held that opinion, did they express that in their judgments?

No, but you would infer it at the time of examining witnesses.

1103. It was your inference from their interlocutory observations?

Yes, it was my inference from their interlocutory observations in Court.

1104. Lord *Tyrone.*] I wish to ask you one question with regard to some questions that were put to you a short time back; in Ulster is it possible to get a motion served for the tenant to put in a return of the improvements he has made?

There would be no difference as between Ulster and the rest of Ireland. I understand your Lordship's question to refer to a motion to give particulars with reference to improvements, in a proceeding to have a fair rent fixed.

1105. Would not the fact of the value of a tenancy not being stated in Ulster make a difference?

No.

1106. But in the tenant making a statement of the improvement he was about to claim?

Yes, the tenants have made this case, and they are frequently making it. They say that having regard to the landlord's and the tenants' interest, their interest in respect of tenant right, represents a sum per acre which should be taken from the annual value irrespective of whether it is made up wholly or partly of improvements; they have taken that view in Ulster.

1107. Marquess of *Salisbury.*] But that view has never been supported in the Courts, has it?

No. On the last day of five weeks, during which Sub-Commission No 2 had sat, Professor Baldwin expressed the opinion that there was no difference between a tenant in Ulster and the rest of Ireland with regard to the assessment of a fair rent, in both cases alike there was to be no rent assessed on the improvements; or, in other words, that so far as the tenant-right was made up of "good-will," it should have no effect on the rent.

1108. Is there not a proviso in Section 9 which bears upon that point?

When the matter was argued, attention was called to the fact that the price paid for a holding was not to affect the question of whether the rent should be reduced or increased.

1109. *Chairman.*] Have you had any experience of the cases that have been decided by the county court, and not by the Sub-Commission?

I have not; I have never been before a county court in a case under the Act of 1881.

1110. In any of the returns is there a specification of the number of cases which have been decided by the county court?

I think there is no return of the number of cases decided by the county court as distinct from the others, but it is very small; not more than 200.

1111. Earl *Stanhope.*] In considering the improvements, is regard had to the fact that the landlord has supplied the materials; for example, the slate and the timber?

That is considered.

1112. In that case is it necessary to produce invoices of the landlord's expenditure?

Ordinarily, the direct oral testimony of the witnesses is taken without the vouchers.

1113. Duke of *Somerset.*] With reference to the county court; has the tenant the option of making his claim before the Sub-Commissioners or before the county court, whichever he likes?

Whichever he likes; but either party, even the tenant himself, though he has begun his case in the county court, may as of right have it transferred into the Land Commission; and accordingly all the cases are in practice transferred there. There are two county court judges whom the tenants have entrusted with their cases.

1114. If a tenant proceeds before the county court, the course of proceeding is the same as if he proceeded before the Sub-Commission, is it not?

It is not quite the same; it is the same in every respect so far as the particulars before the court are concerned; down to that point it is the same; but the county court judge declines to visit the holding in person, as he has so many other duties to perform, and he then makes use of the section authorising the court to appoint an independent valuator; he selects a valuator, and sends him out upon the land.

1115. *Chairman.*] Do you say that all the cases in the county court have been decided by two judges only?

Practically, the whole of them; there are a few isolated exceptions; but the whole work has been done by Mr. Waters, as one county court judge, and, I think, Mr. Richards, as the other county court judge.

1116. Duke of *Marlborough.*] Are you aware whether the proportion of appeals is as great or greater from the county courts than from the Commissioners?

There would be no means of stating that at present. The county court judges have decided quite recently, and their cases have not yet come up, so that I could not answer your Grace's question.

1117. *Chairman.*] I ought to ask you this: in the proceedings before the Sub-Commissioners, what is the record of the evidence that is taken?

Each Sub-Commissioner makes some notes of the evidence.

1118. And with regard to the legal Sub-Commissioner; is he President of the Sub-Commission?

He is the Chairman of the Sub-Commission, and decides all matters of law himself.

1119. Has he any special duty of taking a note of the evidence?

The Land Commission issues to each of them a note-book, and as far as Sub-Commission No. 12 is concerned, each Sub-Commissioner does take full notes.

1120. Has the legal Sub-Commissioner the special duty of taking a note?

Of course he pays special attention to matters of law, because he alone decides them.

1021. Supposing a question arises as to what evidence was given before a Sub-Commission, how is it to be decided?

That is a difficulty in the statute. If it were a court of comnon law, either

of the parties could bespeak an attested copy of the judges' notes at the trial; but you cannot do that in the Court of the Land Commission. I know of an application that was made to the Court for attested copies of the notes taken by the Sub-Commissioners at the hearing, which was refused.

1022. Are the witnesses sworn?
Yes.

1023. Then when a case comes before the Commissioners, do they refer to the evidence which was given below, or do they take the evidence afresh?
They take the evidence afresh; it is a rehearing.

1124. Marquess of *Abercorn.*] Do they take any fresh evidence, or would it be the same evidence?
They would be the same witnesses, but it may be substantially a new case.

1125. Viscount *Hutchinson.*] The Commissioners are not limited to the same case or witnesses?
Not at all.

1126. *Chairman.*] Does any shorthand writer attend the Court?
No, except a newspaper reporter.

1127. If either party orders a note to be taken, does he do so at his own expense?
He must do so. I never knew of a shorthand writer being employed by either side, save in the Dunseath case.

1128. Duke of *Marlborough.*] Where do the Sub-Commission hold their meetings?
They go on circuit to the principal towns within their jurisdiction.

1129. Where do they hold the meetings in a particular town?
The Land Commission appoints beforehand, for a period of two or three months, the towns at which the Sub-Commission shall sit, and the time at which it shall sit.

1130. How do they provide a court-house for the business?
There is a provision, either in the Rules or the Act, that the petty sessions court, or the assize court, or quarter sessions court shall be available.

1131. *Chairman.*] In giving their decisions have the Sub-Commission, as far as you have observed, gone into any detail, and pronounced what they assessed the value of the land at, and what they assessed the value of the tenant's improvements at?
No, they never enter into detail in the form which your Lordship has mentioned. They say, "Having regard to the circumstances relating to the holding, taking into consideration its situation, and a variety of circumstances affecting both the interest of the landlord and tenant, we declare the fair rent to be," so much.

1132. Earl of *Pembroke and Montgomery.*] Have the counsel for the tenant ever asked this question, with the view to appeal; how much rent is due to the holding, and how much rent is due to the tenant's improvements?
The direct question may, perhaps, not have been asked in the form in which you put it; but the Court proceeds in a different direction.

1133. They have never been asked to make that distinction, have they?
Yes, they have been asked.

1134. *Chairman.*] What has been the answer?
The answer is that their authority was to fix a judicial rent, which alone they would fix.

1135. Then, when the hearing comes before the Commissioners, what is done as to the evidence then; do they employ a shorthand-writer?
The Chief Commissioners, sitting together, employ a shorthand writer; but they themselves take short notes.

1136. Why

1136. Why is it that upon the hearing of an appeal a shorthand-writer is employed, whereas when the case is before a Sub-Commission, there is no shorthand-writer employed?

Because the time of the Chief Commissioners is of so much more value; they have to try all the appeals from all the Sub-Commissions, and they could not do the work if they were to be embarrassed by anything like taking notes.

1137. Do the Sub-Commission proceed at a pace which enables them to take a full note of the evidence?

Yes, as far as the note can be taken in longhand, like the judges at *nisi prius.*

1138. Viscount *Hutchinson.*] Supposing you were counsel for either party, and wish to have an attested copy of the notes of a Sub-Commissioner for purposes of appeal, or purposes of that sort, would you be likely to get it if you asked for it?

It has already been refused; you cannot get it.

1139. Has that happened in more than one instance?

In only one instance.

1140. Was that the first instance?

It was the first, and I believe the only one.

1141. *Chairman.*] Would you say that a copy of the shorthand-writer's notes was refused?

No; but the charges would be very expensive for taking the evidence; they would be 8 *d.* or 9 *d.* a folio of a certain number of words.

1142. Supposing it should be hereafter material, at the commencement of the new judicial period or otherwise, to ascertain what evidence was given about improvements at the present time, is there any material for keeping a record of that evidence?

None; the notes of the Sub-Commission would not be sufficiently full. They appear to take very full notes, such as may be taken at *nisi prius*, but considering the number of parties and the nature of the holdings, they would have to remind themselves of many material things not upon the notes.

1143. I suppose none of the members of a Sub-Commission are in the habit of taking notes of evidence, except the legal Commissioner?

Except the legal Commissioner, no one takes notes of matters of law, and I should say that their notes of the evidence were not by any means full in the sense that they would afterwards be useful as records.

1144. Lord *Tyrone.*] Would those notes be any use at the end of 15 years as a proof of improvements?

Of no use.

1145. Do not you consider it absolutely necessary that some record should be kept for the purpose of future decisions?

Absolutely necessary. Take, for instance, the specified value of a holding, which is fixed in some way not at present decided, it being partly made up of improvements and partly of the right of occupancy, and that afterwards, when the tenancy comes to be sold, the tenant is entitled to get for it the specified value, plus any improvements, or minus any deterioration, unless there is a record antecedent to the specified value, showing how much of the specified value is improvements, and how much is right of occupancy, great danger would result at the time of sale, because it would be quite possible to prove over again the making of improvements that were already included in the specified value as being done subsequent to the specified value being fixed.

1146. *Chairman.*] Might it not be in the tenant's interest to keep a record of his improvements; that is to say, suppose a Sub-Commission were to arrive at the conclusion that a tenant's improvements were worth, say, 20 *l.* a year, but that, on the other hand, the land had been deteriorated to the extent

of 5 *l.* a year, so that setting one against the other, the interest of the tenant would be only about 15 *l.* a year; would it not be material at a subsequent time when the deterioration had been done away with, or had been made good, for the tenant's sake, to be able to show that putting deterioration out of the question, his interest was worth 20 *l.* a year?

It is even more material for the tenant than for the landlord to have a record of his estate and holding.

1147. Why do you think so?

Because before the Act of 1870 the entire premises demised were the property of the landlord. The Act of 1870, and now the Act of 1881, confers a property on the tenant in the landlord's freehold; and it is more material for the tenant to have evidence of how much of the freehold belongs to him in that peculiar way, than it is to the landlord. It would be an important matter to the tenant if he were selling his interest.

1148. You mean that now the Sub-Commission adjudicate that certain improvements in the property are the property of the tenant, and unless there is some record of that, it strikes me that all that may be opened as against the tenant at the end of 15 years?

It might be to his injury.

1149. The landlord might then say, "I have nothing to say as to what took place 15 years ago, and I have no record of it"?

A great danger might arise to the tenant from the want of that record.

1150. Earl of *Pembroke and Montgomery.*] Do you think there would be any difficulty in registering the improvements both of the landlord and the tenant?

The Act of 1870 gave power for registering the improvements both of the landlord and of the tenant (Section 6).

1151. But now a new power would be required to make such registration compulsory when the rents were fixed, would it not?

It would be an extremely convenient thing when the matter is adjudicated in court, to have a record kept of the tenant claiming the improvements, and the landlord disputing them, and the Court deciding on them; that would be a valuable record, easily supplied, and at no additional cost.

1152. *Chairman.*] Would the result be sufficiently arrived at by finding that the value of the tenant's improvements upon the holding was so much, without specifying in detail what the improvements were?

It would not, in my opinion, for this reason, that improvements are often divisible. The landlord has often supplied the materials for the house, and the tenant has erected it. In fact, the value of various improvements is often divisible; the landlord has sometimes done part of it, and the tenant has done part of it; and the value of the improvement has been apportioned between them.

1153. Earl of *Pembroke and Montgomery.*] Is it not often the case that there are improvements which are permanent, and others which are not permanent, upon each of which the tenant founds his claim for a reduction of rent?

No doubt that is so.

1154. Marquess of *Abercorn.*] Is it not the case that there are also some improvements alleged to be made by the tenant in the shape of fences, which are very often not improvements at all?

Most unquestionably. As regards fences, the plough must stop within some feet of the fence on either side, and the acreage of most of the fields is so small that very often the fences are no improvement at all. Stone walls are very much claimed for as part of the reclamation of rocky land; the tenant has taken up stones, and then used them in the best way he can as fences.

1155. Earl *Stanhope.*] The fences are generally stone walls, are they not?

No, a fence is ordinarily a ditch and a hedge, and the ditch serves to a certain extent the purpose of drainage.

1156. *Chairman.*]

1156. *Chairman.*] There are particular districts in the country where the fences are more usually stone walls, are there not?
I believe in Galway that is the case.

1157. Lord *Tyrone.*] But you say that fences have not been taken as an improvement by the Sub-Commission?
As a rule, the tenant has failed to show that they were beneficial.

1158. Lord *Carysfort.*] Has the tenant ever claimed for removing fences?
Yes, when he shows that he has established an improvement, then he gets credit for it.

1159. Marquess of *Salisbury.*] If in doing so he were to obliterate a ditch which had formerly served for drainage, would that be admitted as counter evidence against his claim?
It would.

1160. *Chairman.*] Was anything decided in the Dunseath case about setting off deteriorations against improvements?
No, except as a matter of inference; but that is a material reduction, which the landlord will henceforth be entitled to by a clause in the Act of 1870.

1161. It is by the introduction of the provisions of the Act of 1870, that that will be brought about?
Yes; heretofore there was no substantial allowance given for deterioration, because nothing but improvements was taken into account.

1162. Was not there a general clause in the Act of 1881, which was supposed to be large enough to cover deterioration?
It related to the unreasonable conduct of a tenant then in court; but that would not apply to his predecessors, as defined by the Statute; I presume your Lordship refers to Section 9.

1163. Marquess of *Salisbury.*] Then, do you mean to say that no proof of deterioration would act in reduction of a claim for improvements?
That has not been heretofore allowed.

1164. It has been refused, has it not?
It has been refused; and, as a matter of fact, if the tenant had been rented upon the land in the condition in which it ought to have been with ordinary care, he could not have paid the rent in the present state of the holding as found by the Sub-Commissioners.

1165. The Sub-Commissioners have taken no notice of the fact that it was due to his own fault that the land was in that condition?
If the tenant himself had done something prejudicial, they might have dealt with it under the head of unreasonable conduct; but if it had been done by his predecessor, as, for example, if the land had been burnt, which is a common practice, and the traces of burnt land last for even a century, in the opinion of experienced valuators, they could deal with that in no way; they must deal with the land in its exhausted state.

1166. Lord *Tyrone.*] Is there not a very stringent law against burning land?
Yes, but still the Sub-Commission which sat in Fermanagh for six weeks found burning everywhere.

1167. Had that been done lately?
The traces were very distinct.

1168. Marquess of *Abercorn.*] But the burning might have taken place 40 years ago?
The traces would still remain distinct in that case.

1169. Lord *Tyrone*] And yet the Sub-Commissioners reduced the rents in those cases?
Necessarily, prior to the High Court of Appeal deciding the case of Adams and Dunseath.

1170. Marquess of *Salisbury.*] What clause of the Act of 1870 do you consider is introduced by the appeal case of Adams and Dunseath, which would relate to this matter?

The Act of 1870, Section 4, proviso 5, provides that "Out of any moneys payable to the tenant under this section, all sums due to the landlord from the tenant or his predecessors in title in respect of rent, or in respect of any deterioration of the holding arising from non-observance on the part of the tenant of any express or implied covenant or agreement, may be deducted by the landlord."

1171. Do you hold that the Dunseath case has introduced Section 4 bodily into the Act of 1881?

I have no doubt of it; that construction of the decision will, of course, be resisted.

1172. They will probably go to the Court of Appeal again with the case?

Hardly, because the Court of Appeal has already expressed its opinion.

1173. Earl of *Pembroke and Montgomery.*] Has there been any case known of a Sub-Commission refusing to fix a fair rent on account of the condition in which the farm was?

No, I should think not. There does not appear to be any power in the Court to dismiss a case by reason of the bad condition of the farm.

1174. When the Bill was passing we were told that they would have the power to do so under the Equities Clause?

If the Equities Clause extended to the predecessor of the tenant, that might be so; but the clause says, "the unreasonable conduct of the tenant," and the "tenant," as defined by the statute, does not include the predecessor of the tenant.

1175. Marquess of *Salisbury.*] Do I understand that the Dunseath decision has incorporated Section 4 of the Act of 1870, without reference to the circumstance, that it applies to tenants quitting their holdings?

I had better read the Master of the Rolls' judgment upon that point. He distinctly states that the first portion of Section 8, commanding the Commissioners to have regard to the interests of the landlord and the tenant respectively, can only mean, since they are compelled to construe the two statutes together, that it is the amount of compensation which the tenant would get on quitting the holding that has to be ascertained; and having ascertained that, the deduction from the letting value is to be in respect of the improvements so discovered. And he himself takes, as an illustration, the case of a tenant expending 500 *l.*, and being awarded 400 *l.*; then he says, the true measure of the tenants' interest in the land is the sum so awarded, viz., 400 *l.* And he puts the case of the clause of the Act of 1870, which provided that if the compensation, when awarded, should not be paid to the tenant, he could hold on as tenant; and, assuming, he said, that he is awarded 400 *l.*, after deductions in respect of 500 *l.* expended in improvements, and the landlord is unable to pay that 400 *l.*, then the tenant continues tenant, and cannot be compelled to quit; and he could then serve an originating notice to fix a fair rent, and the Master of the Rolls puts the point thus: he says, How could it be contended that the interest of the tenant is not 400 *l.* and no more.

1176. Then it is those words, "having regard to the interest of the landlord and tenant respectively," which have been mainly operative in respect to those decisions?

Yes, those are very important words.

1177. *Chairman.*] In the proceedings before Sub-Commission No. 12, were there any cases in which the existing rent was maintained?

Several. In four cases of the Earl of Erne the existing rents were maintained, and in a case of Sir Victor Brooke the existing rent was maintained; those were isolated cases upon their estates.

1178. Have

1178. Have you any knowledge of how those cases happened to be brought into Court.

The cases upon the Earl of Erne's estate were ordinary cases brought in the regular way into Court, but the case on Sir Victor Brooke's estate was a Land League test case.

1179. How do you know that?

From the identity of the practical plaintiff with the Land League movement.

1180. Marquess of *Salisbury.*] They selected cases where the rent was likely to be maintained, did they not?

I saw three or four distinct Land League cases, and in nearly every instance the rent was either affirmed or increased, and I have no doubt they were selected in bad faith.

1181. Viscount *Hutchinson.*] The evidence led you to that conclusion, I presume?

In a case decided at Monaghan last week, the name of the solicitor of the Land League was on the originating notice; the tenant said he did not know him and had never seen him, but that he had committed his case now to a local solicitor. The local solicitor conducted the case, and at the termination of the tenant's own evidence he had asked no question as to the value; the landlord's solicitor complained, and the tenant was recalled. The tenant said: "There is no land in my opinion in Ireland worth more than 1*l.* an acre, but for peace sake I will give 25 *s.*" That was very nearly the value. His solicitor closed the case without any other evidence of value, and the result was that the rent was increased on reliable evidence brought forward by the landlord showing the true value.

1182. Viscount *Hutchinson.*] What was the result in Sir Victor Brooke's case?

In Sir Victor Brooke's case the rent was affirmed. There were also two remarkable land cases tried at Belleek; in three out of six evicted cases the rent was affirmed, and in two of those affirmances where the rents were extremely small, and the holdings were in proportion small as to value, though they may have been large in acreage, those evicted tenants were induced to remain evicted, though the landlord offered to reinstate them if they would sign an agreement that they were going back as caretakers, without prejudice to their rights under the Acts of 1870 and 1881; nevertheless, they preferred to stay out. One was the case of a blind man evicted, and the other an imbecile man evicted; and when evidence came to be given as to the value of each of those holdings, the valuator proved the value of those holdings to be very much more than the rent, and upon the part of the landlord I was instructed to say that we did not seek an increase, because we did not believe those people were responsible for the notices; but if I had asked an increase for the landlord, the Court would have been bound to nearly double the rents in the cases of the blind man and the imbecile.

1183. Lord *Tyrone.*] What was the reason that the Land League selected those cases?

I believe to discredit the Act of Parliament, as showing that there would be no reduction made, and to have two sensational evictions.

1184. Earl of *Pembroke and Montgomery.*] Do you know in your experience of this fixing of fair rents in Court, whether the Commissioners ever inquire at all into what the holding is worth in the open market; that is to say, what the competition rent of the holding is; is that a question commonly asked?

No, it is a question regarded by the practice of the Court as not really very material.

1185. Duke of *Norfolk.*] Then what a landlord could get is not supposed to affect the question of what he does get at all?

No, because it is supposed that he could get much more than the rent by open competition.

1186. That does not come into the question?

It does not; that is spoken of as the "hunger of land."

1187. Marquess of *Abercorn.*] The commercial value is left out of the question?

What it would bring as the commercial value is not considered.

1188. Lord *Tyrone.*] I wish to ask you what has been the difference between the effect of the decisions of the Chief Commissioners and the Sub-Commissioners upon the rental?

The Chief Commissioners, during the 40 cases which they heard from Sub-Commission No. 2, fixed 24 fair rents, and the residue of the 40 cases were disposed of in this way: seven cases were duplicate appeals, in which both the landlord and the tenant had served notice; one case was settled out of Court; four dismissals were affirmed, and in four cases the service of the notices which had been declared bad by the Sub-Commission, was declared good by the Chief Commission, and they were referred back. Twenty-four fair rents only were fixed by the Chief Commissioners; one case appealed from resulted in a reduction from the judicial rent of 24 *l.* 0 *s.* 9 *d.* to 22 *l.* Seven were increases of the judicial rents appealed from, and the rest were affirmances. The net result was, that the old rents were 728 *l.* 16 *s.* 6 *d.*; the rents appealed from were 557 *l.* 19 *s.* 6 *d.*, and the judicial rents fixed by the Court of Appeal were 571 *l.* 5 *s.* 9 *d.*; the difference, though only 13 *l.* 9 *s.* 11 *d.*, was nearly 2 per cent. upon the rental decided. The deductions were mitigated by about 2 per cent. of the rental, but the principles were the same.

1189. Did not great inconvenience arise from not hearing the appeals sooner?

Had the Chief Commissioners sat and heard the first cases in Belfast, all the matters of law which have now been decided would have arisen, and could have been decided by the High Court in November 1881, and the Sub-Commissioners would have pursued the decisions so laid down.

1190. With regard to the particulars not being given, what are the principal evils that result from the want of particulars?

The landlord going into Court hears, for the first time, the particulars of the improvements which the tenant claims, and the evidence with respect to the time; and he hears also, for the first time, evidence as to their value. Neither he nor his valuator, when they were upon the land, had an opportunity, exactly, of knowing how to value the holding; and then, when they are in Court, his valuator's evidence is never correct, and it has to be discounted by the circumstances which are proved. Neither can the landlord prove payment or compensation if it is made by his predecessor. On the spur of the moment it is impossible, and in the case of a Landed Estates' Court conveyance it is always impossible for him to prove payment by his predecessor, when he, for the first time, hears the point brought forward.

1191. Do the Sub-Commissioners take into consideration the value of the produce in fixing the rents?

That question is frequently asked; and in the Court of Appeal at Belfast a schedule of prices during the last 31 years of the principal produce in Belfast was actually proved; but in the country there is no record, and no means of knowing what the prices were. The tenant says he thinks they were cheaper or dearer in particular years; but we have no means of ascertaining that.

1192. *Chairman.*] Would it not be known at the nearest market town what the prices had been?

There is no record; but the system of valuation in Ireland does not appear to be based upon the question either of what the holding will bring in the market, or upon the question of the cost of producing the crops, and the profit made out of them.

1193. Was Griffith's valuation not supposed to be based upon the price of produce?

That is so; and if the price of produce were pursued as a guiding element, it ought to result in an increase of the rent, because the list that was proved in Belfast showed an increase.

1194. Marquess of *Abercorn.*] Then the tenant would meet that by alleging an increase in the price of labour?

Yes, that is an important matter; the price of labour has risen to a material extent, but even so, the arithmetic would still be in favour of the landlord. It is only a roundabout way of arriving at the commercial value.

1195. Duke of *Marlborough.*] In the case of a professional valuator, upon what grounds would he go in assessing the value?

The professional valuators were trained prior to the Act of 1870, and have doctrines of their own; they at first insisted upon pursuing the principles they pursued prior to that Act, and that was a great source of embarrassment to the landlord. Mr. Edmund Murphy, who is an eminent valuator, and Mr. M'Bride, who is also an eminent valuator, say, "We credit the tenant with the tenant right; we know what is the tenant-right of the district, and we are fixing the rent, having that in our mind"; they do not mean to say that they credit the tenant with the whole selling value of his tenant right, but they allow something for the tenant-right, and certainly enough to keep his improvements exempt from rent. In this way they avoid going into the details of the improvements when valuing.

1196. But in arriving at the original value before they make a deduction for tenant-right, upon what grounds are they supposed to proceed?

They appear to have worked it out in a manner of their own. None of the scientific valuators now appear to know the prices of produce; they were educated in some way with regard to the value of land, and they became very good judges at sight, of the value of an acre of land, and it is by sight upon the land that they put down the value of the holding; they do not go into the question of the produce at all, except in very special cases.

1197. Marquess of *Salisbury.*] But if the land is wheat land, and the price of wheat has fallen half its value, do the valuators do it still in the same way?

They still do it in the manner I have stated, but would make some allowance for such a fall in price.

1198. Duke of *Marlborough.*] Do they take into account special circumstances; such as the competition for land or the nearness of the holding to a town or a railway?

In every instance, town influence is a very material thing, and we have used the instruction in Court which Sir Richard Griffith laid down for his valuators, in which he shows that if land is situated so many miles from a town of so many inhabitants, the rent ought to be increased in a certain ratio; and we do in fact get credit for town influence.

1199. Lord *Tyrone.*] As regard these valuators, I think they have lately been very difficult to procure?

They are very difficult to get.

1200. And have they not throughout been the great difficulty in the cases of the landlords?

A very important difference of practice arises in that respect. Sub-Commission No. 2 held the landlord bound by his valuator, and the rents were never higher than the valuator had named; but Sub-Commission No. 12 were rather more liberal than that, and have once or twice fixed the rent higher than the valuator of the landlord put it, where there was a miscarriage, or it was clear that something should be added to his figures in consequence of an error in his principles.

1201. That shows that the different Sub-Commissions throughout Ireland, upon some matters, proceed upon different lines?

In that respect they do.

1202. But in other respects do they not?

I could only compare the two Sub-Commissions, No. 2 and No. 12.

1203. Could you say whether the manner in which the judicial rent is arrived at, not being communicated to the landlord or the tenant, is a great difficulty in the way of making settlements out of Court?

It is a great difficulty, because at the end of the sitting, say six or seven cases of the landlords have come on and are heard; if we knew exactly the principles upon which those six or seven cases were decided, it would enable the landlord to regulate the rents upon the rest of the estate without going into Court at all; but the only means now of settling with the other tenants is to offer them the same per-centage of reduction that the first six or seven have obtained.

1204. Is that one of the great reasons of the block in Court?

There does not seem to be any means of avoiding the hearing of all cases before the Court, as long as it is not known why the rent has been reduced from the letting to the judicial value. The form of decree given by the Act of 1870 compels a judge of the county court, and a judge of assize upon appeal to adjudicate upon each item, and show how the Court arrived at its decision upon the improvements.

1205. What would you suggest to obviate that uncertainty?

I think the Court should be compelled first to ascertain the letting value, and having ascertained the letting value, should work out the value of the tenant's interest, in his improvements as required by the Act of 1870; and having arrived at the tenant's interest, giving the landlord credit for each item he would be entitled to under the Act of 1870, then the annual value of the tenants interest in his improvement should be deducted from the letting value to arrive at the judicial rent.

1206. You said just now that the record would be a valuable document for the purpose of proving the title of the tenant; it is quite possible that a farm may change hands several times during the next 15 years, and the tenant claiming to have his rent fixed at the end of 15 years might know very little about what his predecessor in title had done?

He would not know, and an important question arises in that respect; there is now free sale under the statute, and there will be a very large number of enforced sales by creditors, grocers, and others, of the tenant's interest; the tenancy will be an article freely saleable from henceforth; and of course every purchaser under those circumstances would know nothing of the tenant's property in the land, it being unrecorded and never adjudicated upon.

1207. In any case that you are more particularly aware of, has the rent been reduced in consequence of the deterioration which has been proved by the landlord, of the holding by the tenant or his predecessor in title?

The cause of the deterioration has not always been very clear as in the case of burning, and the holding is generally valued as it stands, whether deteriorated or not, and the improvements are deducted.

1208. There are other causes of deterioration, are there not?

Yes; farming without manure, for example; but the Commissioners have not stated how they have arrived at their conclusions. The same thing was done with regard to deterioration as was done with regard to improvements; you do not know how it is arrived at, or whether it was at all considered by the Court in reduction of the tenants claim for improvements.

1209. Have the valuators who value for the Chief Commissioners any information of the claims made with reference to improvements by either landlords or tenants?

None.

1210. Is not that a serious difficulty?

It was stated by the witnesses on the appeals in Belfast, that the Court valuators did not ask any questions of any persons upon the land, and they had no information whatever that we could ascertain as to improvements in going upon the land, unless it may be that they had private reference to the notes of the Sub-Commissioners. How that may be I do not know.

1211. What record do you think it would be necessary, in your view, as representing the landlords, for them to keep?

I think the Court valuator should say, "the letting value of this holding in its present

present state is so much; I find so many improvements for which I put down so much, and I find the farm deteriorated by burning, for which I deduct so much; if it had not been for the burning, I would have considered the fair rent so much," and so on in detail according to the circumstances.

1212. *Chairman.*] But in going before the Chief Commissioners, how would the valuator know what improvements were to be attributed to the tenant and what not?

That is the difficulty, that the particulars are not given. If he valued them separately they could be struck out separately at the hearing.

1213. Your view is that the Commissioners might then hear evidence as to whether a tenant was able to prove that he had actually made the improvements?

Yes, and then credit either party. It has been the practice in Ulster never to value the buildings upon an ordinary farm. The landlord's valuator comes in and says, We have not valued the buildings; it turns out upon the evidence that the buildings are the landlord's, and then a sum is arrived at for them and added, and the Court valuer should do that for himself.

1214. Lord *Tyrone.*] How do these valuers of the Chief Commissioners know the acreage of the farms?

They would have the originating notice, and perhaps there may be some means of finding out what the Sub-Commissioners decided to have been the acreage.

1215. That is not necessary according to what you have told us. I referred to the correct acreage?

I cannot tell what returns are sent up from the Sub to the Chief Commissioners, or whether the Court valuers have taken the acreage from the originating notice, or from a return showing an amended acreage.

1216. *Chairman.*] Do you know whether they value per acre, or whether they value the whole of the holding?

I have no idea.

1217. Lord *Tyrone.*] Do you know who would have pointed out to the Commissioners the extent of the holding?

The tenant or the landlord, who is the appellant under the appeal, lodges in the Court a piece of a map coloured, and that is taken by the valuator.

1218. Would not the other parties to the suit be able to lodge other evidence to the same effect?

There would be no contest about the boundaries of farms ordinarily.

1219. Duke of *Marlborough.*] It is not the practice of the Chief Commissioners themselves, is it, to state the grounds upon which they arrive at their decision as to the value of the land?

They do not, save so far as it is embodied in the printed judgment; they do not go into each specified improvement, but Mr. Litton stated that he gave all the improved letting value consequent upon the improvement works to the tenant.

1220. Do they so far go into a statement of the grounds upon which they arrive at the letting value as to render it certain that the principles followed in the Dunseath Appeal Case would be followed by them?

No, they do not enter any details or items.

1220*. In fact there is no security that we know of that the principles laid down by the Dunseath Appeal will be followed by the Land Commission in arriving at their judicial rent?

Save their high character.

1221. Save their own fidelity?

Save their own fidelity.

1222. Lord *Brabourne.*] Do the Sub-Commissioners give the grounds of their decision as to what the rent should be?

Never.

1223. Do not they state what proportion of the rent they deduct on account of improvements, and not on account of deterioration?

No; as a rule it is stated that all the improvements are the tenants, and as a rule a large number of the improvements have been made by the tenants.

1224. Does not that leave the landlord in doubt as to whether there is ground for appeal, or not?

He, of course, remains in doubt; I have here a copy of an order of a Sub-Commission fixing a fair rent.

1225. *Chairman.*] You mean of the form of order in each case?

It would appear to be so, because it is printed by the Court.

1226. Marquess of *Salisbury.*] Do they give a judgment accompanying that order?

They do; it is in very few words. They say: having regard to the situation and to a railway being near this place, and to all the circumstances, and to the fact that the landlord has admitted the buildings, or that the tenant has made improvements, we say that the fair rent should be so much.

1227. At starting they used to be more communicative, did they not?

Several of the Sub-Commissioners were.

1228. Do you know at all why they have ceased to give judgment upon the same extended scale?

Owing to the difficulties of the problem.

1229. You are not aware of any admonition reaching them from high quarters?

I am not; but everything said by the Sub-Commission was so criticised that that no doubt led to greater caution.

1230. You have no ground for believing that the greater reticence of the Commissioners when they are delivering their judgments arises from a special admonition on the part of the Chief Commissioners?

None; I believe the Sub-Commissioners were left independent.

1231. And that they have not been restrained from giving particulars of the grounds of their judgment by orders from head quarters?

On the contrary, I believe that the Chief Commissioners issued to the Sub-Commission a form setting out the value of the tenants' improvements, and that the Sub-Commissioners resisted the filling of it up, and did not fill it up.

1232. Lord *Brabourne.*] Is there any difficulty in the filling of it up on the part of the Sub-Commissioners?

Yes, there is a great difficulty by reason of the fact that the Sub-Commissioners themselves are embarrassed for the want of the particulars of the improvements, and they cannot be fairly expected to sit down and write out a schedule of them with the value in detail, unless they are furnished with each item of them beforehand.

1233. *Chairman.*] You say that the Commissioners issued in the first instance a form to the Sub-Commissioners, upon which the Sub-Commissioners were required to state the value of the tenants' improvements; and you say the Sub-Commissioners did not do that. Now, when the case comes before the Commissioners themselves, do they specify tenants' improvements?

I believe not.

1234. So that they do not obey their own order?

I think it was hardly just to the Sub-Commissioners to ask them to adjudicate upon the improvements, first having themselves to construct the record, and then to decide those cases before them. Had the Sub-Commissioners a record of what was claimed by the landlord, and what was claimed by the tenant, it would have been an easy matter for them to have done it, but that was not required of the litigants by the Chief Commissioners.

1235. Earl *Stanhope.*] It would be impossible for the tenants to register their improvements, because they were not ascertained by the Sub-Commission; take, for instance, the period of 15 years hence?

At the end of 15 years we would begin again; that would be a new matter, and no benefit would have been received from the preceding decision.

1236. *Chairman.*] Neither the Sub-Commissioners nor the Commissioners have, as I understand, fixed the rent at so much an acre, but at a gross sum; is that so?

They have never fixed the rent at so much an acre, but always at a gross sum.

1237. Viscount *Hutchinson.*] But the evidence in the cases is very often given, in fact in almost every case, that the land is worth so much an acre?

That is the way the evidence is given. The skilled valuators go into detail, and say that there are three or four fields containing so many acres, which they estimate to be worth 40 *s.* an acre, and so many fields containing so many acres worth 30 *s.*, then they tot the entire amount up, and say that the whole makes an average rate per acre of so much. In this particular order before me, I find that the area which is stated in the notice to be 24 *a.* 1 *r.* 6 *p.* is marked "correct area, 15 *a.* 3 *r.* 19 *p.*;" it is a mere accident that I have this order, but still the alteration in the area there was from 24 to 15 acres.

1238. *Chairman.*] I do not quite yet see, and shall be glad if you will explain a little more how the difference in the acreage appears to you to have necessarily affected the judgment, when the judgment always is for a gross sum?

What has been found in practice the most valuable evidence for a Sub-Commission is the evidence of a valuator, who knowing the true acreage in the whole, takes the Ordnance map, and with the scale estimates that each field contains about so much, and then fills up, Field No. 1, 20 *s.* an acre; Field No. 2, 25 *s.* an acre, and so on throughout, and then tots it up. That has been found by far the most valuable evidence for the Sub-Commissioners; they go upon the land, and at once look at No. 1, and they say, the valuator has put 20 *s.* upon this, and the tenant's valuator has put 10 *s.* They then consider, I suppose, how long the rent has been paid, and the other circumstances of the holding, and usually come nearer the landlord's valuator than the tenant's valuator.

1239. Still, when it results in a gross sum fixed for the whole holding, would it be certain that the acreage affected the question?

Necessarily, because they make up a calculation of so much an acre before they arrive at the gross sum, and it is no doubt by the fields containing the specified acreage, that they go. Now the holdings in Ireland are very diverse, because each tenant likes to have a piece of bog attached to his farm, a piece of meadow attached to his farm, and a piece of arable land, and accordingly it is almost necessary to place a value upon the bog, the meadow, and the arable land. So they ought to know the correct area of each, and also they should know the correct area under county roads and absolute waste; and if there is an error in their estimate by over-estimating the quantity contained in the bog or in the other parts, injustice is necessarily wrought to the landlord and tenant; so that to arrive at the true area of each quality of land in the holding is almost a condition precedent to doing justice in the case.

1240. *Chairman.*] Supposing the landlord's valuator said, I value this field at so much an acre, and I consider there are nine acres in it, and the tenant's valuator happened to say, I value it at the same amount per acre, but I only make it seven acres, how does the Court settle in that case?

I do not know what they could do in that case, except to rely upon the witness whom they thought to be the more accurate of the two.

1241. Marquess of *Abercorn.*] I think you stated that the tenant usually had a chain survey?

Only when he wishes to amend the originating notice by reducing the area first stated by him.

1242. Duke of *Marlborough.*] When they ascribe an area to a particular farm, and that is different from the area which the farm had been assumed at the outset to consist of, do they announce the principle upon which they arrive at that difference in area?

That is done openly before us in Court; very often at the end of an argument they will say, shall we divide the difference; and very often the landlord's

valuator who has valued upon the larger area is asked what is his area, and then the difference is struck off his valuation.

1243. Lord *Carysfort.*] Are you aware that Sir Richard Griffith divided the lands into lots, and that those lots were marked on the Ordnance map?
Yes.

1244. I suppose each of those lots was smaller than the fields?
I should think not; I should think the field was considered.

1245. Are you aware that those lots were accurately measured by Sir Richard Griffith and his assistants?
I believe they were, but constant changes are taking place in Ireland by subdivision and barter between the parties, and by the good nature of agents frequently in permitting the tenant to change between one piece and another.

1246. If anybody had such a map as I describe, which I believe is in existence, could they not very easily ascertain the exact area of a farm?
That would be of the greatest materiality; it would only be liable to the error of scaling it off.

1247. But there is a book connected with it which does contain the area of each lot?
I think your Lordship is referring to the Poor Law Valuation Books, but those deal with holdings. If such a map as your Lordship mentions exists, it would be of great service to the public to know it.

1248. Earl of *Pembroke and Montgomery.*] Is it not the case that the valuations on the part of the landlord have not unfrequently been below the existing rent?
The landlord's valuators were frequently below the existing rent; I should rather say that the valuators at first employed by the landlords were below the existing rent, but there are many other valuators of equal respectability who come nearer to the rents.

1249. But I suppose that even in these days when valuators are employed by the landlord, there is not much tendency to overvalue the land; the tendency is rather the other way, to depreciate it, is it not?
If I may use the term, the Court opened under a sort of panic, and the valuators I have no doubt were influenced by being upon the holdings. There was great feeling manifested in the country by the people and great excitement, and I have no doubt at all that the valuator was better satisfied when he left the land if he put a low valuation upon it; that is to say, he was not uneasy about going back again.

1250. Marquess of *Salisbury.*] Did he belong to the district?
If he did not belong to the district he would be open to the observation that he knew nothing about the locality.

1251. If he did belong to the district he was probably open to the hostile demonstrations of the tenants?
It depended upon the man; some of the men have been men of great courage and determination. Skilled valuators have come best out of the ordeal.

1252. Lord *Tyrone.*] Have you ever come across any statements made by those valuators, of their reasons for fixing their valuations so low?
The first condition that a respectable valuator insists upon is that he shall be unfettered and uncontrolled in his valuation, and therefore he goes upon the land and comes back, and, as often as not, we do not know his valuation until he is called. The landlord is embarrassed in this way; that having sent a person upon the land, if he does not call him, the worst is presumed against him, and if he does call him, the Sub-Commissioners hold him bound by that valuation.

1253. *Chairman.*] Does not the valuator inform those who employ him, of the result of his valuation?
Ordinarily there is not time; he is frequently making it up in an adjoining room while the case is proceeding.

1254. Lord *Tyrone.*] Do you think that the Sub-Commission would be more likely to take his calculation if it were nearer their own valuation, and that that would have any effect in leading him to put it lower than the real fair value?

As to that I would say this: Mr. Edmund Murphy, who has been a very able valuer for the Government under the Lands Clauses Act for many years, was called by many landlords, and did, in fact, assess a fair rent as an arbitrator, and yet his valuations were discounted by the Sub-Commissioners, for saying that he considered the tenant was recouped for drainage and fences, and things of that sort, after a certain number of years, and that he regarded it in this way, that having had the benefit of them for 21 years, the tenant ought not to be allowed anything more for them. That was regarded as a violation of Healy's clause, and his valuations were discounted accordingly, which became very embarrassing to the landlords.

1255. Did not some of the valuators put their valuations low in the hope that the Commissioners would accept them rather than the tenants' valuations?

Not valuators of the high character of Mr. Murphy.

1256. *Chairman.*] What did you mean by saying that he was making his valuation up while the case was going on; I suppose he would have been upon the ground before the trial?

Yes; and he would have taken a map with him, and said, this field is worth so much; but then he would have to scale out the area of the fields, and make up the sum which each would come to at the rate placed on it.

1257. Would he have to hear the evidence as to the measurement?

No, but he would have to use his scale to show how the total in the originating notice was distributed over the various fields; and then he would have to work out so many acres at so many varying figures. That was an elaborate calculation, which occupied a considerable time after the valuator had been in the fields the whole day, and those Returns were often not ready for us until the tenant's case was actually in Court, and as often as not he would be upon the land while the tenant's case was being heard.

1258. Was there any difficulty in getting valuations?

None where we were. I do not think I would be answering correctly the question which the Earl of Pembroks asked me a few minutes ago, unless I said that Mr. Murphy and Mr. M'Bride did frequently reduce the rents when they were before the Courts.

1259. Lord *Penzance.*] You mean that they reduced the existing rents?

Yes, they reduced the existing rents.

1260. Duke of *Norfolk.*] Had any of the valuators had to act under the pressure of threats and hostile demonstrations, or anything of that kind?

That would apply, I have no doubt, to the western and southern parts of Ireland, but in Ulster it does not apply; it exists to some extent, but nothing like personal violence would be offered to a valuator.

1261. *Chairman.*] When these valuators go upon the land, what do they do about improvements?

Mr. Murphy's principles, as far as counsel could collect them in Court, were, to assume that he was valuing a tenant-right holding.

1262. In Ulster?

Yes, and that therefore the tenant had an interest made up both of improvements and goodwill; they put a reasonable rent upon that, leaving the tenant something which was saleable still, an average saleable interest. Then he also excluded the buildings, and made a substantial allowance upon each field for reclamation as the tenant might tell him.

1263. He took his word for it?

He took his word for it, subject to its being discounted in Court. The reverse way would have been better, namely, to take the letting value and let the letting value be reduced in Court; but Mr. Murphy brought it down to the lowest point, and allowed it to be added to by the landlord proving buildings, or otherwise.

1264. Marquess of *Salisbury.*] I think you mentioned that of the first Sub Commission you appeared before, Mr. Greer was the Chairman?
Yes.

1265. He is a solicitor, is he not?
He is a solicitor in large practice.

1266. He is not alone, I think; he belongs to a firm, does he not?
Messrs. Greer & Mullen.

1267. Have they been in practice before the Land Courts?
Certainly not Mr. Greer.

1268. But Mr. Mullen?
Mr. Mullen has been in practice before the Courts for both tenants and landlords.

1269. But he has been in practice?
Yes, he has.

1270. Earl of *Pembroke and Montgomery.*] I understood from what you stated just now that in valuing land valuators like Mr. Murphy entirely disregard the injunction which is contained in the Act of 1881, that they are not to take payments for goodwill into consideration?
I am only giving secondary evidence of Mr. Murphy's principles; I am merely showing that he was a valuator of a most liberal kind, and acted as a sort of arbitrator, and that there was no margin to be discounted off his valuations.

1271. Is it the case that in adjudicating upon valuations in Ulster, the Courts disregard the injunction in the Act, and take into account sums paid for goodwill?
The question has often turned up, and it works oftener in favour of the landlord than the tenant, because it will often turn out that the tenant has paid for the farm in the preceding year, or two or three years ago, 20 *l.* or 30 *l.* an Irish acre to purchase the tenant's interest at the existing rent, and the landlord uses that against the tenant, and says it is useless for the tenant to say that was not a fair rent when he paid so much for the farm at the rent.

1272. *Chairman.*] But the question of the noble Lord was whether you knew the Court took into consideration the sums paid by the tenant either against the tenant or against the landlord?
It has arisen in a great many instances, and I believe will form the basis of an agitation against the construction of the Statute, because the landlord has been in the habit of contending that there ought to be no difference between the north of Ireland and the south of Ireland in assessing a judicial rent, and that a fair rent is a rent that will not infringe upon the tenant's improvements; but the Ulster tenant claims that a fair rent should be a rent which will not infringe upon his tenant-right made both of the improvements and the good-will.

1273. Earl of *Pembroke and Montgomery.*] You are not aware, perhaps, in what way that point has been decided by the Sub-Commissioners?
I can give you direct evidence upon that point; it was discussed in every town in the first circuit of Sub-Commission No. 2, and the Court declined to pledge itself to any opinion until we arrived at Newry, having been five weeks out. Professor Baldwin then announced that he did not think that good-will should be taken into consideration, and that there really was no difference between Ulster and the rest of Ireland in that respect; but I have never seen that principle again in any of the newspapers. The Lord Chancellor, in Adams and Dunseath, said the decision in no way affected tenant right, and there is an active agitation being started in Down and Antrim to get both the good-will and the improvements exempt from rent.

1274. Marquess of *Abercorn.*] Is it not the case that the price of tenant-right does not depend upon improvements; that a farm in the worst possible state will sell for just as much for tenant-right as the best farms?
Even if there are no improvements the tenant from year to year can sell the tenant

tenant right at a high figure, and the effect of the Act of 1881 on tenant right will be this, that where it has been very high, as upon the Marquess of Londonderry's estate, where it has gone to the incredible extent of 50 *l.* or even 60 *l.* an Irish acre paid for the tenant interest; the value of the tenant right will be lowered; and in Monaghan and other counties, where it has been as as low as from 5 *l.* to 10 *l.* an acre, the value of the tenant right will be increased. The difference was partly improvements and partly rent, but largely owing to the desire to buy into an estate that was managed upon very liberal principles; and now the statute having levelled all distinctions as to management, no doubt the tenant right will come down upon those very good estates, as it certainly has gone up, to my knowledge, upon inferior estates, because the Act has established an equality as to landlords.

1275. *Chairman.*] With regard to labourers' cottages; in the cases you have been concerned in, have there been orders made with regard to labourers' cottages at all?

A good many.

1276. What is the form of the order generally?

At first the order was that the tenant do erect, or do improve a cottage, and that he give a half acre of land with it, at 1 *s.* a week, to the labourer. It was then suggested to the Court, that as the only method of enforcing the order was by a very costly proceeding, namely, an attachment obtained in Dublin, upon a motion ordering the tenant to do it, a date ought to be specified within which the cottage should be put up, so that on a given date there would be a breach; but even that would put the labourer to the expense of a motion.

1277. If there were a breach, what would happen?

If he had any person sufficiently interested to take it up for him the labourer would make a motion for an attachment against the tenant to compel him to obey the order.

1278. But is the order that the tenant put up a cottage for labourer, A. B.?

That I do not know.

1279. Because, if it is to put up a cottage generally for a labourer, or for so many labourers upon the estate, who would enforce it?

The Order is practically incapable of enforcement as it stands at present, but I think a remedy could be provided, because if power were given either to the landlord or the labourer, or to any person interested in the property, to apply to the Justices at Petty Sessions, the magistrates at Petty Sessions could make an order that the tenant should within a certain time erect the building, or take such punishment as the justices should inflict.

1280. Marquess of *Salisbury.*] When you say "the labourer," what labourer do you mean?

That difficulty is not contemplated by the Act. The Order specifies the name of the then labourer, but of course he could be dismissed within a certain time, and the order would never be carried out; or if carried out, he could be dismissed and ejected, and the cottage let to a cottier at a very high rent.

1281. Therefore we may take it that Clause 19 of the Act of 1881 has never been acted upon?

A great many orders have been made.

1282. Viscount *Hutchinson.*] Why have they not been obeyed?

The question of obedience could hardly have arisen as yet, because six months was the time generally put into the orders, and the tenants are trying to get the money from the Government.

1283. Lord *Tyrone.*] Suppose a labourer were dismissed after the tenant had built a cottage, how could he enforce the order?

Probably it would be a very nice question of law what the status of the labourer in that cottage would be.

1284. *Chairman.*] But the order is not to build a cottage for John Smith, but to build a labourer's cottage. The words of the statute are, "the labourers employed on such holding;" that is a collective body, whoever they may be, and they may be dismissed?

I have not seen the order, but I have no doubt that it takes the form your Lordship has indicated, viz., an order for specified labourers who can be dismissed.

1285. Lord *Tyrone.*] But the tenant who has been forced to build the cottage for the labourer with a half acre of ground with it, could, having built it, dismiss the labourer and keep the half acre in his own hands?

Yes; whether the labourer would be entitled to emblements, or to carry away the crops that he had put in to that half acre, would be a nice question of law.

1286. Marquess of *Salisbury.*] There is no specification of how the tenant may use the house?

There is no specification of how the tenant may use the house; if the cottage is up I think the Statute would be complied with. He does not appear bound to keep a labourer for the cottage and half acre.

1287. Its subsequent application is not a matter within the purview of the Statute?

No, nor is there any means of considering it, as far as I am aware, and I believe the cottages will be subsequently let to cottier-tenants, at the highest rents, the labourers being dismissed, or made agree to give up the cottage.

1288. Duke of *Marlborough.*] Is there anything in the nature of the order relating to a cottage which would specify what kind of cottage it might be, because a man might perhaps comply with the order by erecting a mud cabin?

The order says that the cottage shall be so many feet long, and so many feet high, and it also says it shall contain two rooms.

1289. Does it say whether it shall be substantially erected of stone or brick?

Sometimes, but a very useful suggestion was made by Mr. Weir, one of the Sub-Commissioners. He, at his own expense, obtained plans of a labourer's cottage that could be erected for 50 *l.*; it was a very nice cottage, and he proposed to put words into the order requiring that it should be built according to an authorised specification or a prescribed plan. I think if the Land Commission would prescribe a specification for labourers' cottages, and that then the Sub-Commissioners should say that it should be in the form of No. 1 or No. 2 specification, the best cottage would then be erected.

1290. Viscount *Hutchinson.*] Have not the tenants to go to the Board of Works for money now?

They may.

1291. *Chairman.*] If they went to the Board of Works, they would have to put up a cottage on the Board of Works plan?

Yes.

1292. Duke of *Marlborough.*] The tenant would have to pay interest on the money borrowed?

Yes, it would be much cheaper for the tenant to erect a cottage himself, with the assistance of labourers.

1293. Have the Land Commissioners adopted that plan that you speak of, of providing a specification?

No; but I believe they will when the pressure of business eases off.

1294. *Chairman.*] I want to ask you about agreements for fixing fair rents in Court; what is the precise process by which they are arrived at?

Presuming your question to refer to an agreement in writing between the andlord and tenant.

1295. In

1295. In the form provided by the Court?
In the form provided by the rules.

1296. What is done with that?
The tenant or the landlord lodges that in Court.

1297. Within what time after the agreement is entered into?
A month.

1298. Suppose the land is under mortgage, is that agreement entered into between the mortgagor, the landlord as we should call him, and the tenant, or must the mortgagee be a party to it?
It would not appear that the mortgagee need be a party, because the only person who need be a party is the landlord, as defined by the Act.

1299. So that if the mortgagee was not in possession, his consent would not be necessary?
It would appear to be unnecessary.

1300. At the same time would the mortgagee, supposing he evicted the landlord, be bound by this agreement for 15 years?
He would have three months in which to act: If he within three months found out about this agreement, or saw it in the newspapers, he could come in and object if he thought he had reasonable ground for objecting.

1301. That is to say, within three months?
Yes; then the agreement is filed according to the rules and the Act of Parliament, and would have the same effect as if the judicial rent were settled in Court.

1302. So that the mortgagee would be bound for 15 years?
He would, or the remainder man.

1303. What notice has the mortgagee of the agreement?
I believe they print a list of the agreements with the landlords' name and the tenants' name in the "General Advertiser," and I think in the "Dublin Gazette," but as it is not interesting information, none of the newspapers print it as a matter of news, therefore the mortgagee might never hear of it; in point of fact, the likelihood is that he would never hear of it.

1304. Earl of *Pembroke and Montgomery.*] But I suppose mortgagees are pretty well on the look-out now for things of that sort?
As a rule, the money is lent by English and Scotch insurance companies, and trustees who really do not know so much about Ireland as you would imagine. I believe that the tenant for life could easily obtain a fine and settle a judicial rent which would be binding upon the mortgagees, without difficulty.

1305. The case you put is, that by a secret agreement between an impoverished landlord and the tenant, he might fine down the rent?
Yes, and there might be an agreement to return the fine if the mortgagee found it out in three months.

1306. If that case did arise, would it not, at all events, put the tenant at the peril, if the mortgagee found it out, of having all that arrangement set aside?
Hardly, because the tenant might not know that it was not a *bonâ fide* transaction.

1307. I put the case that you put, that there was an agreement to keep it secret?
It would be a fraud in that case, but probably the case made by the landlord and tenant when they were called as witnesses would be that they did it in ignorance that the money was spent, and it could not then be set aside if it were not *bonâ fide.* I think the practice of *caveats* in the Court of Probate might be usefully introduced. Any person interested in assets can lodge a document saying, let nothing be done as to the goods of the deceased without letting me know at a certain address; and if the mortgagees or any persons interested in the land were authorised at the peril of costs to lodge a *caveat* in the Land Commission, saying, let no proceedings to fix the rent go on without notice to

me in Dublin, with respect to holdings situated in a certain townland or barony, as the case might be, then all notices would have to be served upon those parties; and if the *caveat* were improper they would be made to pay the costs of setting the *caveat* aside.

1308. *Chairman.*] I suppose we may assume that the person most interested in preventing a reduction of rent is the landlord and not the mortgagee, because the landlord lives out of the surplus?

*Primâ facie,* but we have had many cases in which the surplus was so scanty that it was almost gone.

1309. There might be cases in which the land was mortgaged so completely up to its value that there would be no interest in the landlord?

Yes, there is a difference between the law of the two countries in this respect. Any creditor of a person in Ireland on obtaining judgment may simply upon swearing an affidavit that he has a judgment, and that it is still unsatisfied, and that the defendant is the owner of land anywhere, register that judgment as a mortgage, and upon the registration all the estate of the defendant is transferred to the creditor as mortgagee. In Ireland all unpaid judgments against landowners are registered as mortgagees, and the list of mortgagees becomes very numerous.

1310. But my question was addressed to those who are mortgagees by contract, and not to those judgment creditors who can very well look after themselves?

That would apply to a great many of them, because I think in Ireland encumbrances approach the full value of the fee-simple more nearly than in England.

1311. Marquess of *Salisbury.*] How near do they approach in the cases you mentioned?

Insurance companies and people of that sort require in England the ordinary trustees' margin and act under the advice of English solicitors; but then the residue of the money is got in Ireland upon higher rates and upon worse security.

1312. How close to the whole average rental do the mortgages come?

A fourth of margin is much more common than a third.

1313. And that fourth of margin is precisely what the Sub-Commissioners have swept away?

As a general rule.

1314. *Chairman.*] Are you aware from your knowledge of proceedings in Ireland whether mortgagees by contract, that is to say, trustees, insurance companies and others have given notice to call in the mortgages in consequence of the proceedings under the Land Act?

They are giving notice requiring payment of the principal sum even where a reduction is only anticipated. As a matter of fact everything like a transfer of mortgage, or lending money upon mortgage, is at an end in Ireland at present. The best firms of solicitors are idle who were employed in work of that description; there is little money being lent upon land in Ireland now, but there is a good deal of calling in of mortgages which are out at a moderate rate of interest, the landlord being compelled to pay a higher rate to place it again.

1315. Are the cases which you refer to, cases in which mortgagees serve the notice that it would be desirable to call in the money, or are they actually calling in the money?

They are actually calling in the money; the notices are served more with a friendly intention of saying to the landlords, You see we must have this money, and the proceedings will then be in the Encumbered Estates Court.

1316. In order to call them in they must sell the property?

They must sell the property if they can; it pays all persons concerned to sell through the Landed Estates Court, as a rule, because the indefeasible title which that Court is supposed to give to the purchaser is thought to make it worth while to sell through the Landed Estates Court.

1317. Lord

1317. Lord *Brabourne.*] We have heard that land in Ireland is almost unsaleable; is that your experience?
It is so.

1318. Except to tenants?
The only case which I am aware of, of an attempted sale of an estate to the tenants, was last week, and the tenants would not take the land at the price, 20 years' purchase. I may say generally that if a purchaser bought the land over the heads of the tenants who were bidding for it, there would be very ill-feeling between them as landlord and tenant afterwards; therefore, no person would dream of attempting to bid for land if the tenants were bidding for it.

1319. Therefore, the practical effect has been to exclude from the sale of land that element of competition which alone would make that sale advantageous to the landlord?
Undoubtedly; I think a prudent intending purchaser would apply to the tenants to ask whether they wished to buy, and when he was satisfied that they did not wish to buy, and that it was with their sanction that he would become their landlord, then he might buy.

1320. Lord *Tyrone.*] Do you think that anybody is likely to purchase in the present state of Ireland, with these originating notices pending?
Not at all.

1321. Is not the sale of land at present practically at an end in Ireland?
Practically, it is at an end.

1322. Will the owners of land have to bear the entire loss, or is there any arrangement by which the family charges, the jointures and other encumbrances may be brought in to share?
No; the person who has the fee-simple, subject to everything, must in the first instance bear the whole 25 per cent. loss if it does not cut into the charges; but 25 per cent. will very often cut into the charges and cut away the entire interest of the owner of the fee.

1323. Have you known instances in which land has been left to one member of a family and money charged upon it to the rest?
Those are private matters; but in Ireland the fee-simple has been very frequently divided amongst the children like personalty, so that each child should have a fair share. There are cases of the owner of an unencumbered fee dividing it amongst four children in such a way that the charges for the younger should be each equal to the elder's share. Now if the family consist of four, a reduction of 25 per cent. destroys the devisee's interest entirely, but there is no obligation upon the other members of the family to bear any share of that depreciation, and it would appear to me reasonable that where the parties were volunteers or held under a family settlement, they should bear some share of the loss.

1324. If the Courts go on as they are at present doing, do you consider that a very large proportion of the landlords who, up to this time, have been fairly well off will be absolutely ruined?
A great many will be ruined.

1325. Have you any suggestion to make to the Committee to prevent such wholesale ruin as appears imminent?
There are so many evils to be met. Seeing that the loss falls in the unfair manner I have pointed out, it would relieve some owners if the less were distributed over the other members of the family, that is to say, over the strictly family charges. There are other cases in which the landlord is called upon to pay off a mortgage which he holds at a low rate of interest, and can only pay off by borrowing at a high rate of interest. If the State could authorise him to borrow at such a rate as would enable him to pay off the trustees, it would mitigate the difficulty.

1326. What rate of interest do you think would do that?

I know an instance of a loan of half-a-million upon property in Ireland; that loan was made a few years ago to a proprietor now in the Court. The rate of interest was 4¼ per cent., and the margin was a good deal more than one-third; that is to say, the mortgagees insisted not merely upon one-third margin, but upon more than a third; there was a substantial margin beyond a third; but no doubt they will call in the money if 15 or even 10 per cent. be taken off the rental. The money could not be got now for any rate of interest less than 5½ or 6 per cent., if it could be got at all.

1327. Your suggestion that the Government should lend the money at a small rate of interest to pay off the encumbrances has been made publicly before; has it ever struck you that if that were done it would be extremely unfair to the landlords who have not got encumbrances on their properties?

The landlord who has not an encumbrance is in a very fortunate position.

1328. But his rents may be reduced?

Of course the answer to that is that he really can bear a loss of 25 per cent.

1329. Now, has it struck you that it is quite possible that a landlord who has an encumbrance, supposing he could borrow money from the Government at 3 per cent., might absolutely, with his rent reduced 25 per cent., be in a better position than he was before the Act was passed?

A loan to many landlords at 3 per cent. might make matters almost equal.

1330. Take the case of two landlords with 1,200 *l.* a year each; if both had their rents reduced by 25 per cent., and one had a mortgage of 12,000 *l.* upon his estate, at 6 per cent., if the landlord under the mortgage of 12,000*l.* at 6 per cent. could borrow money from the Government at 3 per cent., his income would be absolutely increased 60 *l.* a year, whereas the other landlord, who had no mortgage upon his estate, would have his income reduced 300 *l.* a year; that is to say, that whereas interest at 6 per cent. upon the mortgagor's 12,000*l.* would be 720 *l.*, leaving his net income 480 *l.*; interest at 3 per cent. would be 360 *l.*, leaving him a balance of 540 *l.*, or 60 *l.* to the good?

I never looked at it from that point of view.

1331. Do you consider that that would be fair?

I have not considered it.

1332. Viscount *Hutchinson.*] Do you think that any scheme of that sort would save two-thirds of those whom you think would be ruined?

No; at the most it would mitigate the sufferings of the few who would survive.

1333. Duke of *Marlborough.*] Do you know any cases in which mortgagees are putting up lands for sale?

They are not putting them up for sale at present, because in the Land Court only 8 or 10 years' purchase are being bid for property, and a mortgage would be destroyed if he sold under those circumstances, so that he holds over in the hope of better years; but I have no doubt that in a few years the Court will be full of sales of land.

1334. Lord *Tyrone.*] What is your calculation with reference to the rate of progress of the Sub-Commissioners?

The Sub-Commissioners sit a week at a time in each town; the first three days upon the average are occupied in the Court hearing evidence, and the remaining three days on the average are occupied inspecting the lands; 20 cases a week would be good business one week with another. For 12 Sub-Commissions that would be 240 cases a week, which I think would be the very outside. The Court has never attained that yet, but that would be the maximum; they would only sit about 45 weeks in the year, because they would require recreation in the summer-time, and in some other country, I presume. Then supposing they sit 45 weeks in the year, at 240 cases per week, that would give 10,800 cases in the year. Now there are 70,000 and odd cases in Court at present, so it would take clearly six or seven years to clear off the existing business.

1335. Duke of *Norfolk.*] That is, supposing none of the cases were settled out of Court?

The settlements out of Court, as a rule, are of cases that are not in Court; the cases that are in Court come generally to hearing.

1336. Earl *Pembroke and Montgomery.*] But as the action of the Sub-Commissioners, and the rules they are guided by come to be better known, surely many of those cases which are now put down to be settled in Court will be settled out of Court, will they not?

If it had been clearly understood how the letting value had been taken, it would tend in that direction.

1337. Marquess of *Salisbury.*] But is there any tendency towards that result at present, as to the exact grounds upon which the Sub-Commissions are proceeding?

That will depend upon the way the appeals work out.

1338. And that depends upon the way the decisions in appeal are impressed upon the minds of the Lay Commissioners?

It is very important that they should understand how the matter is, but the principal decision has not been published in any authorised report at present; it has been only in the newspapers.

1339. Is it your impression that cases settled out of Court are increasing in number?

No.

1340. Lord *Brabourne.* When you refer to the authentic statement being published, do you refer to the judgment of the seven judges?

Yes.

1341. But when that statement is made, considering that the judges all differ, do you consider that that will tend very much to clear up the mind of the Sub-Commissioners?

The Lord Chancellor gave a supplemental judgment, in which he stated that it might be well to show the effect of the judgment.

1342. If that is not done it is not quite clear whether those judgments might not enlighten, but rather tend to confuse the minds of the Sub-Commissioners?

But nothing could be clearer to the legal mind than the Lord Chancellor's summing up.

1343. Viscount *Hutchinson.*] Could you suggest any means by which the Sub-Commission could be assisted, so as to render the dispatch of business more rapid?

Only two judges of the county court have yet heard cases in any numbers, and there does not appear to be any reason why the residue of the judges should not occupy a portion of their time in hearing land cases; but by the rules of the Land Court, instead of the cases being allocated by rota, so as to send them, whether the litigant liked it or not, to a given Court, the tenant selects, and if he selects the county court, he may himself, as of right, and the landlord may as of right, transfer the case to the Land Commission, and deprive the county court of the opportunity of hearing the case.

1344. And in the event of the county court being more popular than it is at present, you would have to attach a valuator to it, would you not?

The county court judge is familiar with the action of the Act of 1870, and it was the thought that he would make the deductions under the Act of 1870 which made him unpopular with the tenants.

1345. Marquess of *Salisbury.*] Are agreements with tenants out of Court submitted to counsel?

No, because they only contain the statement that the parties agree and declare that the fair rent of the holding is so much.

1346. Earl *Stanhope.*] Do you think it would expedite the decisions of the Sub-Commissioners if in every case there was a valuation before determining a fair rent?

Yes; and if the Sub-Commissioners did not go to inspect the farms.

1347. If they did not value the land themselves, might they not get through 20 cases a day?

They might do eight a day. That is illustrated by the practice of the county court judge; he will not go upon the land, and therefore does double the work that the Sub-Commissioners do.

1348. Would it simpify the matter very much indeed if that practice were pursued by the Sub-Commissioners?

But it would be a serious matter to submit your estate to the valuation of a valuator selected at random by the county court judge; many landlords would object to that, as would also the tenants.

The Witness is directed to withdraw.

*Ordered,* That this Committee be adjourned to Thursday next, at Twelve o'clock.

# *Die Jovis*, 16° *Martii*, 1882.

## LORDS PRESENT:

Duke of NORFOLK.
Duke of SOMERSET.
Duke of MARLBOROUGH.
Duke of SUTHERLAND.
Marquess of SALISBURY.
Earl of PEMBROKE and MONTGOMERY.
Earl CAIRNS.
Viscount HUTCHINSON.
Lord TYRONE.
Lord CARYSFORT.
Lord PENZANCE.
Lord BRABOURNE.

THE EARL CAIRNS, IN THE CHAIR.

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MR. SIMON LITTLE, is called in; and Examined, as follows:

1349. *Chairman.*] YOU are a Land Agent in Ireland?
I am.

1350. You have attended, personally, some of the Sub-Commissions under the Land Act, have you not?
I have.

1351. How many?
I have attended two sets of Commissions at different places at their different sittings. I have been before two Commissions, and I have had a case before a third; but I have been about three weeks altogether in attendance while they were sitting.

1352. What counties were those in?
In Wexford and Kerry.

1353. With regard to the question of proceedings, do you consider that the best arrangements at present are made as to what is called "listing" the cases?
No, I do not; I think there are too many cases listed for one sitting. I have the three lists of the Commissions that I was before. In the first case there were 50 cases listed, and they only got through 16.

1354. That is 50 listed for a sitting?
For the week during which they sat. That was in Kerry. Fifty is the usual number they list for each week.

1355. When 50 are listed for a sitting is it expected that the landlords, and the tenants, and their witnesses and valuers, will be ready all through the week?
Yes, it is.

1356. They do not know when their case may be called on?
They do not.

1357. As a matter of fact, do they keep their witnesses waiting all the week?
They do. We have to pay our valuators for waiting during the time until they are called, also the solicitors.

1358. And, generally speaking, how many of those cases are got through in a week?

In the case at Kenmare, in the county of Kerry, they disposed of 16 out of 50; in the case of Gorey, in the county of Wexford, they disposed of 20 out of 50. There were five cases settled before they were gone into.

1359. Have you ever known as many as half of the cases, 25 of the 50, actually heard and disposed of?

That is about the outside, I think; a document I have here shows an instance where there were 26 cases heard out of 42; that was in Wexford.

1360. Were those cases heard; or cases heard and settled, do you mean?

I think those were all heard, but I will tell your Lordship how it occurred. There were 12 of those on one estate, and where there are a number on the one estate they are got through much more quickly, because the valuator or valuer is kept under examination for each case, and it shortens the time occupied.

1361. That brings me to another question. Is any effort made to keep the cases relating to one particular estate together?

Hitherto it has not been so; they are all higgledy-piggledy; one up high, and another down low on the same estate, which is a great inconvenience.

1362. Would the result of that be this: that case No. 1 would relate to a particular estate, and then three or four would be interposed, and the witnesses as to that estate would be kept waiting there until the next case that they would have to attend to (say No. 6) was called on?

That is so; and there is a much larger number between them sometimes.

1363. Is that inconvenient both to the landlord and tenant?

A very serious thing, because a valuer of any standing in Ireland gets five guineas a day, and a guinea a day for his hotel expenses; therefore the landlord is at an expense of six guineas a day, which he has to pay the valuer while he is waiting.

1364. Lord *Penzance.*] Before you leave that, may I ask you this question: at the end of the week when there are 25 remanets, for how long a time do they stand over?

We do not know that yet; but I believe the circuit will come round again in three months.

1365. Then the whole expense of attending there is thrown away?

Quite. For instance, I had to go to the furthest part of Kerry; my cases were not called on at all, and I will have to go down there again. There is also a matter as to the way in which they take the cases, which I think is an inconvenience. They sit four days of the week, and they go out two days to examine the farms. It would be a convenience if they took the four days that they sit successively, either in the beginning of the week or at the end of the week; but they adjourn in the middle, and go out for two days, as I say, to examine the farms, and during those two days the solicitors and valuators have nothing to do while they are waiting there.

1366. Duke of *Marlborough.*] Is that the case of all the Sub-Commissions or only of the one you are referring to?

I do not know; but it happened twice in the three cases I had to do with.

1367. Three Sub-Commissions you are speaking of, are you not?

No, two Sub-Commissions at three different towns.

1368. *Chairman.*] Then when you say that they sit a week in each particular place, does that mean a week which is composed of four days of hearing, and two of inspection?

Yes, that is so.

1369. We have been told that, in the originating notice, there is no specification by a tenant, if he gives it, as to what improvements he claims to have made himself; do you find that that leads to inconvenience?

I do; we are very much in the dark. Of course, on estates that are pretty well managed we know, or we can guess at, by a knowledge of the farms, what he may set up a claim for; but in many instances it is impossible to do that. It comes

comes on one by surprise; he will say he has made so many perches of drains, and very often you cannot discover them.

1370. Suppose the estate has changed hands; would there be any knowledge by the incoming owner?

No, not of what the tenant had done, at least not in many cases.

1371. Suppose an estate had been sold in the Encumbered Estates Court, would the purchaser have any trace of it?

No, he will not have any trace of what had been done.

1372. As we understand, he gets no papers or title deeds connected with the estate?

No, nothing that would show the expenditure of the tenants on the farm.

1373. I mean he gets no agent's books, or anything handed over to him?

No, not with his conveyance, certainly not.

1374. With regard to the settlement of cases out of court; do you find that that is progressing at either an increased rate, or at any rapid rate?

I think, on the estates of encumbered and poor landlords it is increasing. They are obliged to settle, because they cannot stand the expense of contesting the cases.

1375. You mean the poorer landlords cannot bear the costs?

No. I have a case where, I think, there were about 25 notices served on a proprietor in Wexford, and he has so small a margin out of his estates, after paying the encumbrances on it, that he could not possibly bear the expense of contesting each of those cases, and he will therefore have to settle with the tenants.

1376. In the case of a number of small holdings upon a particular property, would the costs of contesting the cases throughout come to one year's or two years' value of the sum in dispute, or of the margin in dispute?

About 16 *l.* I put down as the lowest amount at which a case can he heard, if you have a valuator at three guineas a day.

1377. Do you mean that 16 *l.* is the amount of the landlord's costs?

Yes, 16 *l.* is the landlord's costs, but it generally is much more. It goes up to 25 *l.*; and if you have a valuer of any standing who charges his six guineas a day, of course the expense accumulates very fast.

1378. Suppose the case of a holding where the rent was 32 *l.*, and the struggle was as to whether 25 per cent. should or should not be knocked off it, the 16 *l.* would represent two years of the amount at stake?

It would.

1379. Is it more easy or less easy to effect settlements out of court on a satisfactory basis by reason of the Sub-Commissioners not laying down any principle upon which they arrive at their decision?

The main difficulty that we have to contend with is, that we are entirely in the dark as to the principle upon which the cases are decided. First, we are entirely in the dark as to what is a fair rent; we know what it is in Great Britain or on the Continent, or even in America, but we do not know what it is in Ireland, nor do we know the principle or basis on which it is calculated. Now it would greatly assist both in meeting the cases on evidence, and also in settling out of court, if we knew upon what principle the Commissioners acted.

1380. Speaking from your own knowledge and that of other land agents with whom you are in intercourse, have you any idea as to what the principle is on which the Sub-Commissioners proceed in assessing value?

No, I cannot arrive at it at all, and I will produce a few instances to explain how difficult it is. I apprehend that either the rent should be measured on some principle; or if not it is an empirical thing; it is a matter of guesswork almost, and it must depend very much upon the individual opinions of the several Commissioners as to what is fair, unless there is some principle to guide them; and, where the rate of wages and taxation are nearly uniform, as they virtually

are over the midland and southern portions of Ireland with which I have to do, I submit that the only ground upon which you can calculate is as regards the value of the produce of the farm; and if the Commission would decide what proportion of the gross produce was a fair share for the landlords' rent, whether a fourth, or a fifth, or even a sixth, it would be comparatively simple to measure the rent and find what it should be, because we all know what the gross produce of any farm is, and if we knew what fixed proportion was considered fair for the landlord to get as his rent, we could very easily settle with the tenants.

1381. Do you find that in any case, so far as you know, they have acted upon any principle of that kind?
No, on the contrary, they appear to be reluctant to go into it.

1382. Do you find that they have taken as a test of the rent the fact of experience, that a particular rent has been paid without demur or difficulty for a particular number of years?
No; I have had two cases where the rent had not been altered for 86 years, and in each of those cases they cut down the rent.

1383. When you say it was not altered, do you mean it was not altered and paid?
The rent was paid up to the last gale day; at least the May rent had not been paid when they were hearing the case.

1384. It was the usual hanging gale, was it?
No, we have no hanging gale, but the tenants were behind; in fact most tenants are behind since this agitation has been begun; they are not as punctual as they were.

1385. I do not mean during the last year or two, but during the long space of 86 years?
During the long space of 86 years, in one case, there had not been a shilling loss upon it.

1386. What about the year of famine?
In that year the landlord made a reduction of 15 per cent. as a temporary allowance.

1387. And with that reduction the rent had been paid?
It had.

1388. Viscount *Hutchinson.*] May I ask if they are the representatives of the same family during the whole period?
They are, in this way: it was an estate that was owned by Lord Monck and Mr. Grogan Morgan. Lord Monck owned three undivided fourths, and Mr. Grogan Morgan owned one undivided fourth. In the year 1850, Mr. Grogan Morgan purchased Lord Monck's three-fourths, and ever since it has been in the same family.

1389. I mean the tenants?
Yes, in one case the tenants have been direct from father to son; in the other case, the tenant about 25 years ago had only a daughter, and a man came in and married her, and he succeeded there.

1390. So that it is practically the same thing?
It is practically the same family.

1391. *Chairman.*] You have spoken of the rent continuing unchanged and being paid during all those years. During that time what has been the difference in the price produce as compared with the present time?
The nearest date that I can get, is from an old newspaper of the year 1793, containing the market prices of that year. The letting I can trace back as far as 1796. I assume that the prices did not vary much during those three years, and in that year butter was from 50 *s.* to 56 *s.* per cwt.; that was $5\frac{1}{2}$ *d.* to 6 *d.* per lb. We know now the butter market is from 112 *s.* to 140 *s.* for superfine butter. Beef was from 23 *s.* to 27 *s.* per cwt.; it is now in Ireland from 60 *s.* to nearly

nearly as high as 80 *s.*, but 60 *s.* to 65 *s.* is a very fair price for it; 60 *s.* is 6½ *d.* per lb.

1392. Have you the prices of any other articles?

Yes; here is barley, which is a great crop in Wexford, in which the farm is situated. Barley was nearly the same in that year, 1793. Later on, it became very much lower. Oats were from 8 *s.* to 9 *s.*

1393. Viscount *Hutchinson.*] Before you pass from barley, during the last few years the barley market has been rather spoilt in Wexford, has it not?

It has; the barley has not been malting barley. That is owing to the wet seasons. Barley requires a warm dry season.

1394. And was there not something in the way of the failure of a malting establishment which also affected it?

No; the large buyers in Wexford are Guinness, the brewers; they take all the good barley they can get, but they will not buy inferior barley.

1395. Lord *Pembroke and Montgomery.*] I suppose the price of labour has gone up over the space of time you are speaking of?

It has. I was asked that question by one of the Commissioners, as to its being a set off against the increase in the produce, but I think it is not at all a set off, for this reason, that wages have risen 50 per cent. in Ireland; that is, labour which you could get for 1 *s.* a day, is now 1 *s.* 6 *d.*; it is 9 *s.* a week instead of 6 *s.* That is 50 per cent. increase; but the expense of labour, at the outside, taking it at a very liberal calculation, is only two-fifths of the gross value of the produce, and 50 per cent. on two-fifths is only 20 per cent., therefore the labour, as regards the whole produce of the farm, has increased 20 per cent., while the prices of the five principal articles of produce in Ireland above the scale of Griffith's valuation, have increased 65 per cent.

1396. Lord *Penzance.*] Do you mean gross produce of all sorts?

Of the five principal articles of produce, I leave out wheat, because wheat is not much grown in Ireland.

1397. Lord *Pembroke and Montgomery.*] Is it not the case that when holdings are small the increase in the price of labour is rather an advantage to the tenant than otherwise?

He gets the benefit of the increase, because it is within his own family.

1398. *Chairman.*] Then, in those holdings you have spoken of as holdings upon which the rents had been paid so long without a change, what was the reduction made?

In one case the contents were 42 acres; the rent was 43 *l.*, and it was reduced to 38 *l.*

1399. Viscount *Hutchinson.*] What was the valuation?

Griffith's valuation is 35 *l.* 10 *s.* I ought to mention as regards this, that this holding is situated within a mile and a half of the town of Wexford. Its connection with the town was formerly by a toll bridge, on which the tenants had to pay 6 *d.* for each horse and cart, and everything else was subject to a toll that was brought into the market. About 25 years ago this bridge was opened free, therefore the tenant got all the benefit of that, as at the time his rent was originally settled that toll bridge was there.

1400. *Chairman.*] What was the other holding?

The other was a holding of 37 acres; the rent was 43 *l.* for that also, and it was cut down to 39 *l.*

1401. What was the Poor Law valuation of those two?

For the 37 acres Griffith's valuation is 36 *l.* 10 *s.*, and the rent is brought down to 39 *l.* I find that in the vicinity of towns Griffith's valuation is even lower as regards the value of the farm than at a distance from towns. I do not think that Sir Richard Griffith made sufficient allowance for the advantage of being near a town. In both these cases it came out on examination from the tenants themselves that they sold all their hay and all their straw off their farms in the town of Wexford. Of course it is difficult for tenants to thrive, no matter how low their rent is, when they deal with their land in that way.

1402. Did you conduct those cases yourself before the Sub-Commissioners?
No; I was only there as the agent; there was counsel and a valuer.

1403. You had counsel and a valuer?
We had a professional valuer.

1404. Marquess of *Salisbury.*] You instructed them, I suppose?
I did.

1405. *Chairman.*] These facts which you have mentioned were brougbt out, I suppose?
They were all brought out; the date of letting, and also the fact of the men having sold their hay and straw, and that they had been relieved of the tolls of the bridge.

1406. Marquess of *Salisbury.*] Did the Commissioners go upon those farms?
They did.

1407. Had you any conception of the process of reasoning by which they arrived at the decision to which they ultimately came?
No, that is what puzzles us; we cannot guess at how they arrive at their decision.

1408. Lord *Penzance.*] Have you attempted to contrast any number of cases with a view of seeing whether there was any definite proportion between the gross produce and the rent arrived at?
Yes, I have in several cases that I was concerned in.

1409. To try and abstract a uniform rule?
Yes, and I could find none. I have the reductions they have made above and below Griffith's valuation, but they vary so much that I cannot guess at what they go upon.

1410. Earl of *Pembroke and Montgomery.*] You proposed just now, that the rent should be arrived at by a produce valuation rather than by what you may call a competition valuation, but that would leave the question as to how much of that was due to the landlord in as unsettled a state as ever, would it not?
No; I think if it was once settled by the law that the landlord's rent was to be a certain rateable share of the gross production of the farm, we would bow to that, and act upon it.

1411. *Chairman.*] I understood you to say that, as regards settling cases out of Court, if you once knew what was considered by the tribunals to be a fair share of the produce to assign to the landlord, if, inasmuch as you had the means of knowing the amount of produce yourself, you could settle the matter?
Precisely.

1412. I suppose the original idea of rent, and in many cases, in fact, to the present day, is strictly and entirely based upon that very consideration?
It is.

1413. It is a question of how much of the produce in bulk the landlord should take?
Yes; I remember that in Ireland, when the landlord, as a temporary convenience when going away, let off land that he had in his own hands; it was very usual to let it off on what was called in Ireland sowing for halves. The tenant took the land for a year, two years, or three years, and first deducted the expenses of seed and labour, and then whatever the crop was sold for was divided between the landlord and tenant, and that was virtually a third, I take it, in those days of the produce.

1414. Lord *Tyrone.*] Might not the produce be very much increased through the tenant's improvements?
Yes, it might; but on the other hand, it may be very much diminished, which is much oftener the case; at least, I am speaking of the south and centre of Ireland; I do not know the north. I believe that is different, but in Ireland

for

for one case where the landlord's value is improved, I say there are nine cases where it is injured.

1415. But whether it was injured or improved, would that not equally militake against taking the productive power of the land as a thing to go by to fix rent?

I would not fix it on what it produced under the management of a man who left it waste, or ran it out to exhaust it; but I would take it on what, under moderately fair farming, it would produce; and that is one of the complaints I have against the Sub-Commission, that in two cases I had to deal with, where the tenants had utterly exhausted the farm, and left the land really almost sterile, they adjusted the rent at the state they found the farm in, and I do not say that the rent they put on it in its present state, if it were left so, might not be fair, but part of the corpus of the landlord's estate has been made away with. I have particulars of two cases here. One is the case of a man who had 44 acres; his Griffith's valuation was 30 *l.*, and his rent was 31*l.* 14 *s.*

1416. *Chairman.*] The present rent, as it is called?

Yes; the old rent was 31*l.* 14 *s.*, and the valuation was 30 *l.* They reduced that man's rent to 24 *l.*, that is 20 per cent. below Griffith's valuation, but that land is utterly sterile, from the way the tenant has continually cropped it without ever putting any manure on it. He has no cattle to make manure; he sublets his grass, and continues tilling the land until it will produce no more.

1417. Duke of *Sutherland.*] Is it the custom to allow the tenants to sell the straw and hay?

We cannot prevent it; at least, at present we could not.

1418. *Chairman.*] Then what was the view, do you understand, of the Sub-Commission Court; is it that they were bound by Act of Parliament to put the value on the land as it stood?

I do not know; but if they were any judges themselves of land they could see, from examining the land (and they did walk over it), that the land was naturally very fair land, but had been reduced to that state; as the valuator who was examined before them said, the life had been dragged out of it.

1419. According to the experience you have had, did not they in any case take into account the deterioration, and put it against the allowance they would otherwise give?

I do not think they did, as far as I could see; but I do not know.

1420. Lord *Tyrone.*] I should like to know what powers the landlord had in the past to prevent the tenants deteriorating the soil?

In times past if the man was a yearly tenant, and persisted in running out his land, the landlord could serve him with notice to quit, and put him out; but it generally happened that when he was served with the notice to quit he mended his hand, and did not persevere in selling off the straw or hay. If he held under a lease, there usually was a covenant against his doing it under a penal rent or under a forfeiture; and if there was no such covenant, the landlord was at his mercy; the tenant could sell away.

1421. Did the landlords often make use of either of those powers?

I used occasionally to serve notice to quit on a yearly tenant, if I found him treating the land very shamefully, and I found that it had an effect too.

1422. But in future, after the passing of the Act, you will have no such power?

We will be helpless; under the Act there is a power, in the case of selling, of coming in and claiming compensation. During the 15 years, if he is guilty of persistent waste, you can put him out; but you must prove that it is persistent waste; and also there is a power to compensate the landlord by a money payment instead of putting him out.

1423. Do you anticipate that that will be in any way sufficient to prevent the deterioration of the land?

No, I do not.

1424. *Chairman.*] When the Sub-Commissioners go to visit these farms, how do they do it; do they go alone, or do they take anyone with them?
Generally the two laymen go, but sometimes the barrister goes with them.

1425. Not always?
No; not always.

1426. What does he do?
He sits at home, and, I suppose, works up some of the evidence.

1427. You say sometimes the three go, and sometimes the two laymen, leaving the legal gentleman at home?
Yes.

1428. Is there anybody else with them?
We send the bailiff of the estates to show them the farm; that is, to point out the land.

1429. And does the tenant meet them?
Yes, always.

1430. And I suppose he gives them some information?
He has plenty to say.

1431. He is not bound to silence, in any particular?
No.

1432. Marquess of *Salisbury.*] Is he allowed to see them alone?
He sees them alone, walks over the land with them, and points out all he has to show.

1433. And does the bailiff see them alone?
The bailiff does not interfere, but merely goes to the land and shows them where the farm is.

1434. Then they only hear one side of the case, so long as they are out of doors?
That is all. I do not know, but I believe there have been cases where the agents go with them, but do not much like it; they do not seem to care for it.

1435. But they like to have the tenant?
I do not know that, but the tenant takes care to be there.

1436. Whether they like it or not?
Yes.

1437. Duke of *Marlborough.*] The bailiff is a silent guide, and the tenant only is the witness?
The bailiff just points them to the farm, and then the tenant meets them and walks over it with them.

1438. Marquess of *Salisbury.*] If the tenant says, "There is a drain here which I dug," there is nobody there to contradict him if it is untrue?
No.

1439. And it does not necessarily follow that that statement will re-appear in open Court?
No, it will not appear.

1440. Duke of *Marlborough.*] But there is nothing to prevent the landlord's agent also meeting the Commissioners if he chooses, is there?
No, I think not.

1441. Is it not considered desirable on the part of the landlord that his agent should be present during the survey of the land by the Sub-Commissioners?
It is a matter of feeling as to that. As far as I could judge, the Commissioners prefer being left to themselves.

1442. But, in the interests of the landlord, would you not consider it your duty to be there on the spot while they are pursuing their examination, in order that

that you might reply to anything which was stated adversely to the landlord on the other side?

I think it would be an advantage; but if I thought the Commissioners did not wish it I should not like to do it.

1443. Would it prejudice your case in court?

No, I do not think it would.

1444. *Chairman.*] Do you consider, so far as you understand the proceedings of the Sub-Commissioners when they go upon the farm, that they value field by field, or that they merely take a comprehensive view of the situation generally, and say we think this farm is worth so much?

That is just what I was going to observe. I submit that it is impossible for any man, or any three men, to walk over and value six farms in a day and retain the valuation in their heads, unless those farms are of a uniform acreable value. Now that is what very rarely happens in Ireland, because you will have some acres of peat bog that may not be worth 5*s.* an acre, and immediately adjoining you will have land that is worth 1*l.* an acre; and unless the Commissioners know the number of acres, roods, and perches of each quality of land, they cannot arrive at a product that is at all exact or accurate as to the total value of the farm, and that they do not do that I know, although I have never accompanied them, because I know something of the valuations of land myself. It is useless to go on a farm and value it if the day is so wet that you cannot keep an Ordnance sheet open and put down on each field, or each three or four fields of the same value, the number of shillings per acre that that land is worth. I have seen the Commissioners go out on pouring wet days, and a Kerry wet day would soon bring their Ordnance sheet into pulp.

1445. Do you think it has a dispiriting effect, as regards the value of the land, to do it on a very wet day?

I do not know, but I know they could not open their Ordnance sheets and mark off the different classes of land in such weather, and after doing that they ought to go home and scale off the acres, roods, and perches, and calculate the rent according to the acreable value.

1446. Would the large scale Ordnance map that you have now be certain, upon every holding, to show the proper acreage of each field?

Quite sufficiently so with an experienced surveyor, who can scale it off with his scale upon the map. There is a little to be allowed for shrinkage, but a man who has had any experience could do that. All Sir Richard Griffith's valuations were done in that way; the valuator just put down in pencil on the field the number of shillings per acre. Having done that, he goes home at night and scales it off on the map.

1447. So that they would have to supplement that by scaling it off when they came home?

Yes, it will take a second day to scale it and calculate it at home in the office, taking acres, roods, and perches at so much an acre.

1448. Your view, as I understand it, is that any personal inspection which could be called a valuation would require them to go upon each field, and to say this field is worth so much an acre, and then afterwards to find out how many acres there were in a field?

Yes, I say it would take some time to do that, and in order to do it they should have their map with them and mark the value of each field on the map, because they could not keep it in their heads.

1449. Lord *Tyrone.*] Would not the valuation of a farm vary very much according to the class of weather at the time it was valued?

Very much.

1450. And the time of the year at which it was valued?

Very much indeed; I know marl land in Wexford which, if you saw it in the winter, you would not think it worth 10*s.* or even 5*s.* an acre; and in the summer, when the red clover grows upon it, it presents a very different appear-

ance, and is most valuable land, and in the winter it is all brown and bare, and, unless a man knew the land, he could not have any idea of the value of it.

1451. Have you had any experience of the Sub-Commissioners valuing land in frost or rain?
They went out in a pouring rain.

1452. And fixed the value of the land in weather when you consider the land looked entirely different to what it would do at another time?
Yes.

1453. Lord *Penzance.*] You talk of valuing six or seven farms in a day; what sort of acreage are you thinking of?
The average run of holdings in Ireland are 20, 30, to 40 acres, and a good practical experienced valuator will do 150 acres in a day, or from that to 200 acres; then he will take another day to calculate it at home.

1454. *Chairman.*] It would depend, I suppose, upon the particular farm, and whether there were great variety in different parts of it?
Very much, and also the number of fences; I had a farm of 40 acres which a valuer went down to value, and there were on the 40 acres 40 fences; at all events it had a great deal of fencing upon it.

1455. Duke of *Marlborough.*] Are the lay Sub-Commissioners of whom you speak supposed to have any professional knowledge or training fitting them for valuing land?
I think two of the men I had to do with were farmers; they farmed pretty extensively themselves, and as to the other two, one of them had been a land agent, and I do not know whether he had experience as a farmer or not, but I suppose he had in farming his own land.

1456. Marquess of *Salisbury.*] Who were the two farmers?
There was a Mr. Kenny; I am only speaking of what I have heard; Mr. Kenny, who came to Wexford, I heard was an extensive grazier in Clare.

1457. Lord *Brabourne.*] Were either of them farmers in the district they valued in?
No; the other was a gentleman who farmed in Tipperary.

1458. Duke of *Marlborough.*] Do you consider that an occupying farmer, without having any professional training fitting him for valuing land, is a capable person for putting a fair value on land?
I think it is very much rule of thumb as to the value he puts on it. He guesses at the quantity, because, unless he was able to scale off the quantities of the different classes of the land, he can only guess about what quantity is in each field; he is not exact.

1459. *Chairman.*] Are you speaking of when witnesses are brought to give evidence?
No; I am speaking of the Sub-Commissioners themselves.

1460. In your own experience have you had any controversies before the Sub-Commissioners as to the acreage?
No, because we only have the acreage of the whole farm; they do not go into the details of it.

1461. But with regard to getting valuators, what have you done; have you brought your valuators from a distance?
Yes, some from a distance, and some we have got in the locality.

1462. Local valuators?
Yes.

1463. Is it easy to get local valuators in the county you refer to?
In Kerry you cannot get them at all; at least it is almost impossible to get them.

1464. Then, according to your experience, where there are local valuators, are they biassed, do you suppose, in favour of one side or the other?

The landlords are the only people who virtually employ valuators, because the tenants get their neighbours to value for them. In Kerry, of the 16 cases that I heard tried, there was only one case where a tenant produced a man who professed to be a professional valuator and surveyor, but that man when he was cross-examined by a counsel could not tell how many perches were in an acre. In other cases the tenants value themselves, for their neighbours who have also most likely served notices and expect reciprocity, and that when they have sworn to their neighbours' value their neighbours will do the same for them.

1465. I suppose you mean they act in a neighbourly manner in that way?
Yes, quite. In another instance I heard the tenant himself was valuing his land in Kerry, and the Commissioners did go into the question of the produce of the cows and pigs, that is the chief farming in Kerry. There is little or no tillage; and this man was examined by the attorney who was acting for him, as to the produce per cow on his farm, First of all, he started by saying that his cow produced one firkin of butter a year, that was just half the quantity that a fairly good Kerry cow ought to produce; it ought to produce two firkins. Then he was examined as to what it cost to keep the cow during the winter by purchasing food because they grow no green crop there, and I took down the items that he said he paid for, bran, and meal, and hay for his cow, and when they were totted together, he was a loser by keeping the cow if he only had the one firkin.

1466. That is allowing that she only produced the firkin of butter?
Yes. He swore that he only got a firkin of butter. Therefore I say the evidence on the tenant's part is very unreliable, and, so far as I can judge from my own observation, I really think the Commissioners go more by their own examination of the farms than by the evidence on either side. I do not know that as a fact; I can only form that opinion.

1467. Earl of *Pembroke and Montgomery.*] On what principle do the valuators called in by the landlords make their valuation which they bring before the court?
There are generally four classes of land upon one farm, and they put down so much an acre for one class and so much for another, and then they bring it all out and show what it comes to, and, I presume, they do it on the produce; that is what the land is able to produce, but I do not know that. The valuator that I have chiefly employed is a man who manages 2,000 acres of land himself, and has the greatest experience of what the land can produce.

1468. What proportion of the produce then do they allow to the landlord?
I do not know.

1469. You do not know what principle they are guided by?
No, I do not; I should think what would be fair would be a fourth, but I would be very well satisfied with a fifth.

1470. Lord *Carysfort.*] Is it the same proportion on the arable land?
Yes, I am speaking of tillage farms; because, of course, upon grass farms it would be quite different. The labour would be very much less, and the landlord's share of the produce ought to be more than a fourth or a fifth; I think a third would be certainly fair on a grass farm.

1471. *Chairman.*] How much would you assess for seed and manure and working expenses?
Two-fifths I put down for working expenses and seed and taxes, and then there would be three-fifths to be divided between landlord and tenant.

1472. Is not that a low estimate; do you think you can put the seed and working expenses of every kind at less than 50 per cent.?
I do; in Ireland labour is low.

1473. Marquess of *Salisbury.*] Does that allow for any manure?
I take it that the tenant makes most of the manure, but that he buys some artificial manure. He ought to make the most of it within the farm if he has any stock.

1474. Duke of *Norfolk.*] In your opinion, in the majority of holdings that you have had any experience of, do you think during the last 15 years they have been improved or deteriorated by the action of the tenant?

I think in the last 15 years, up to about five years ago, a good many of them were improving, but within the last five years they have gone down very much, and let the land run down very much.

1475. Had the tenant in some cases done justice to his holding and improved it?

Yes, in some, but I think in the majority of cases the farming in Ireland is utterly insufficient and incompetent.

1476. Therefore the rent fixed now would be, so to speak, unfair towards the landlord, because it would be based on land which the tenant had spoilt rather than improved?

Yes, I think so.

1477. *Chairman.*] Taking the cases that have come under your notice, and in most or all of which we understand reductions have been made, have they pressed, in your opinion, more heavily upon the land that was high rented, or the land that was low rented, upon what are called good landlords, or the more exacting landlords?

The more exacting landlords have come off the best, because, of course, although there has been a larger reduction made as regards the rent in their cases than as regards those that had the land let low, yet the rent is left higher after the reduction in the case of the landlords who let their land high than on those who let it low.

1478. Higher in proportion, you mean?

Higher in proportion.

1479. Lord *Tyrone.*] You were speaking about valuators just now; have you ever seen any demonstration in the Court against the valuators?

Yes, I have heard them hissed.

1480. In the open Court?

Yes.

1481. What did the Sub-Commissioners do then?

In that case they did not do anything; but down in Kerry, the Chief Commissioner, Mr. MacDevitt, kept very good order, indeed, capital order, and would not allow them to go on in that way. I do not know whether the fact that the Marquess of Lansdowne was in the gallery the whole time had anything to do with it.

1482. Have you known a valuator refused admission to the land of a tenant?

I have.

1483. And therefore it makes it almost impossible, as you say, to procure valuators?

In Kerry valuators are afraid to value. I heard of a man there who was a professional valuator, and I believe a very good one, and he said he would not for any money be tempted to value, because his stack-yard would not be safe the next night.

1484. Lord *Penzance.*] Is there any means of getting an order from the Court in Dublin, or from the Commissioners, to permit the valuer to go on to the land?

Yes, I have no doubt there is, because the Chief Commissioners have said they would know how to deal with any case in which the man had been refused if such were brought before them.

1485. Have they dealt with it?

I do not know that, because I have not had any case of that sort.

1486. Lord *Tyrone.*] In the case of a landlord not producing a valuator, what do the Sub-Commissioners do?

One Sub-Commissioner said they would take the tenant's evidence and act upon it alone, but others have held differently.

1487. From the evidence you have given you seem to say that the rent has very little to do with the tenant's thriving one way or the other.
Very little indeed.

1488. What reasons have you got for that?
I have one estate that I am agent for that is the lowest let estate in the county, or I should say, that it was about the lowest let. It is let at an average of Griffith's valuation, and the tenants on it are the most impoverished of any estate that I have to do with.

1489. *Chairman.*] You do not mean to say, supposing all other things to remain the same, there being two holdings exactly alike, that the tenant who pays the smaller rent is the more likely of the two to thrive?
I do not think he is. I think, on the contrary, it encourages him in idleness. If the land is fair and he has the land too cheap, he thinks he can afford to do nothing; he presumes upon its being so cheap.

1491. Lord *Tyrone.*] That is to say, if a tenant has a farm almost for nothing, he lives with his hands in his pockets and runs the farm out and does not thrive at all?
Certainly. The first thing he does is to borrow money, and pledge one or two fields, and then he will pledge two or three more fields for a sum of money for a certain number of years; very often I have found a tenant living on two or three fields in his own occupation, and all the rest of his farm pledged to money-lenders who had advanced him money from time to time; then in the end he generally was squeezed out altogether.

1491. *Chairman.*] Do you consider that to be an argument against peasant proprietors?
Yes, I have no faith in peasant proprietors, though I think it would be a very interesting experiment. I should like to see it tried. From my own experience I have had nothing to encourage me in it, because we have had two classes of peasant proprietors in the county of Wexford, and in both cases they have not succeeded.

1492. What were they?
There was a large acreage of Crown commons which were squatted on by tenants, and whose title is now recognised by the Crown; they are not disturbed; they have reclaimed the land and they live on it. They average about 10 statute acres each. These men are in great poverty in the winter; they go out as labourers.

1493. You would not think squatters who have taken possession of a portion of common land, a fair specimen of peasant proprietors, would you?
They have reclaimed it and improved it very much, and done their best with it. Then we have another class of men who hold leases on lives renewable for ever, which were converted into perpetuities, and their land was only half-a-crown an Irish acre, which was not much more than a quit rent. There were a number of those holdings in Wexford.

1494. What sized holdings are they?
Generally one townland; that is to say, they vary, I should think, from 75 to 150 acres.

1495. In the hands of one person?
Yes, they were originally; but I do not know one instance now in which a descendant of the original lessee is in possession of his farm.

1496. Are they subdivided?
They are subdivided and made away with; the descendants of the original lessees were all squeezed out through neglect and extravagance, and in many of these cases there are six tenants now paying the rent which was originally paid by one.

1497. What was the origin of that rent in regard to these holdings?
I think they paid a fine at the time; they generally date back 150 years; of course I exclude cases where the neighbouring proprietor had a lease of that kind. There are a few cases of that sort, and there they have held on because there they had other property to supplement it, but where the tenant had nothing but the holding alone he lived on. They everyone went to the bad; there is not one remaining.

1498. Earl of *Pembroke and Montgomery.*] In what part of Ireland is that?
That is in Wexford.

1499. Lord *Brabourne.*] Have the landlords ever complained before the Sub-Commissioners in Court, and brought evidence of their inability to get valuators, or of the valuators being afraid to value?
I have seen it only reported in the paper; I did not see any instance of it myself, but in Kerry the only valuer that was produced was the Marquess of Lansdowne's agent, Mr. Trench, and he valued for another proprietor as a friend. Mr. Mahony's agent also acted as valuer in one or two cases.

1500. When you told us just now that the Sub-Commissioners sometimes went upon the tenant's valuation alone in those cases, had the landlord declined to value or bring any evidence that he had been unable to get a valuator?
I am not able to say that of my own knowledge.

1501. Lord *Tyrone.*] Have you had anything to do with settlements out of Court?
Yes, but not many. I am of opinion that where a landlord knows that his estate is fairly rented he should not settle out of Court. If I believed there was no injustice, and that a man had the land at a moderate rent, I would not settle out of Court; but where I believe it is sharply rented, there I think it is better to settle out of Court, and I have had a good many cases of that kind.

1502. You have had a good many cases sharply rented?
Yes, when I say sharply rented, I should say that is at a full rent as compared with the rents all round. I would not call it sharply rented if the lands were properly cultivated, but in the insufficient way in which Irish tenants cultivate their land I consider that the rent was sharp.

1503. Do you think that the agreements out of Court will increase as time goes on?
I think they will increase in the case of the poor landlords; I do not see what else they are to do.

1504. Lord *Penzance.*] As the cases accumulate and the Courts get obstructed, is it not a necessary consequence that there will be more settlements?
I think so.

1505. But they will be driven into settlement?
Yes, I think so. So far as I can see, unless there is a settlement out of Court, I believe that more than three-fourths of the yearly tenants in Ireland will serve notice to have their rents fixed, or, indeed, a great deal more than three-fourths; it costs them little or nothing to risk it. They have only to pay a guinea for the solicitor; they have not to pay a valuator, and it is worth their while, for the sake of getting a reduction for 15 years, to chance their guinea, and I believe they will all go into Court. I believe we are only at the beginning of it, unless they get the reduction from the landlord voluntarily.

1506. Lord *Brabourne.*] We are upon the sharply rented point now. Does your experience as a land agent confirm the statement made by the minister who introduced the Land Bill, that it was the rule and not the exception in Ireland to exact a low rent, or, at all events, not such a rent as would be exacted in England?
Certainly. The average letting of estates that I have to do with is about 15 per cent. over Griffith's valuation of the land, excluding the value of the houses. Now that I hold to be a very moderate rent, and a great deal of the estates are let at 15 to 20; that is the tillage land.

1507. Is it the habit of landlords in Ireland to let their farms by tender, or generally by private agreement between man and man?

If a farm falls in to them they do not advertise it generally, but they receive offers for it; and on estates I have to do with we generally try to give it to the adjoining tenant, throwing the whole together. Now the free sale provision will defeat that because an outsider will come and will give more than the adjoining man thinks it worth or is able to give.

1508. You would give it to the tenant?

To the adjoining tenant in order to enlarge his farm, and who may be a thriving man and anxious for more land. An outsider, who has no land will come and bid at the sale of the tenant's interest, and bid more than the adjoining man would be inclined to bid for it, and so it will prevent landlords from squaring or improving their estates in that way.

1509. In that instance the tenant who had to sell would get the benefit of the competition which is denied to the landlord?

He would.

1510. Viscount *Hutchinson.*] At the same time the landlord would have the right to exercise his right of pre-emption?

Yes, there is that advantage, and that is about the greatest pull we have.

1511. Marquess of *Salisbury.*] That depends upon the decision of the Court as to what the letting value of the land is, does it not?

It does; and that is a point I would like to make some observations about. It is very odd, and I cannot make it out. The first case I have here is that of a farm let in the year 1818, 120 acres in extent; it was let at 151 *l.* a year in the year 1818. I have the prices of the produce in 1816; beef was then 28 *s.* a cwt.; barley was 8 *s.* 6 *d.* a barrel, and a barrel of barley is 16 stone; about two barrels makes an English quarter of barley, and barley was then 8 *s.* 6 *d.* a barrel. That is about half what it is now; 17 *s.* is about the price of it at the present time. The Commissioners cut the rent down from 151 *l.* to 135 *l.*

1512. Viscount *Hutchinson.*] The valuation being how much?

The valuation was 103 *l.*; it is excellent barley land; it is land that will produce 12 barrels of barley to the acre, and they valued the interest of the tenant, after reducing the rent to 135 *l.*, at 300 *l.* Then I come down to a farm of 161 acres instead of 120, the rent of which was 107 *l.*, and which was let in the year 1831. That is 51 years ago; they cut that down to 90 *l.*; but they valued that man's interest at 500 *l.* Now the value of the interest of a man who has the farm of 120 acres, is worth nearly two, in my opinion, of the interest of the man that they valued at 500 *l.* If put up for sale the first farm of 120 acres, I believe, would sell for 500 *l.*; the other farm that they valued at 500 *l.* I do not think would sell for over 300 *l.*

1513. Lord *Tyrone.*] Then according to that, you would suppose that the Commissioners thought that the value was increased by the greater reduction of rent?

Yes, I suppose so; but then they are presumed to put the rent that is fair on each case.

1514. Marquess of *Salisbury.*] What part of the country was this in?

It was in Wexford. With regard to that first case, the rent of which was fixed 63 years ago, about five years ago it being an outlying portion of the landlord's estate, he agreed with the tenant to sell it to him, and the tenant agreed to purchased it at 22½ years' purchase; the amount was all settled and agreed to; and the abstract of title was furnished to the tenant's solicitor; the tenant's solicitor found that another portion of the estate was subject to an annuity, and that this land might be collaterally liable for it, and advised that it was not a good title, and the sale was broken off; but it showed that the tenant did not think the rent very high when he agreed to give what was then the usual selling price for the fee of 22½ years' purchase. He was willing to buy it at that if the title

had been all clear, and I brought that forward before the Commissioners. That would be rather a guide to show that the rent could not be very far astray.

1515. Earl of *Pembroke and Montgomery.*] Before you leave that subject, was there not a great difference in the amount of the tenant's improvements in the two farms which would account for it?

No. On this farm in respect of which they gave the 500 *l.* interest, the dwelling-house had originally been built by the owner of the estate as a residence, and the holding of 161 acres had been a demesne that he had in his own hands a great number of years ago, but it was leased in the year 1831 to a tenant, and this man got the benefit of the dwelling-house that the owner had originally lived in. I am not quite clear now whether in the 500 *l.* the value of that dwelling-house is included or not.

1516. Duke of *Marlborough.*] Is it the practice of the Sub-Commissioners when they fix a fair rent to at the same time value the tenant's interest in the farm?

If you ask them they will do so. You must serve a notice a week before, calling upon them to value the tenant's interest.

1517. *Chairman.*] Both parties must ask, must they not?

No; if the landlord serves a notice to have the value of the tenant-right fixed, the Commissioners are bound to do it.

1518. Duke of *Marlborough.*] If the tenant should at any time elect to sell his interest, can the landlord always purchase it at that interest or that sum?

He can, and that is the greatest boon we have.

1519. And is it at all known or understood upon what principle the Commissioners go in valuing those tenants' interests?

That is quite as much in the dark as the other. I cannot guess at that at all, because in some instances they had no evidence. Of course if it was an estate on which the tenant-right had been allowed to be sold it was a guide to them as to what farms had previously sold for; but on an estate where it had not been permitted I do not know what was to guide them as to what the value of the tenant's interest was.

1520. Earl of *Pembroke and Montgomery.*] Would not the value of the tenant's improvements be a guide to them?

Yes, if there were improvements they would give him that, but that would be a very small part of the price that they have put down here.

1521. Lord *Tyrone.*] Do you think that landlords will avail themselves of that advantage of buying up their own property again?

In old times I should certainly say yes, because I would have done it in this way; I would have arranged for the landlord to do it, and then get repaid by the adjoining tenant, and put the two farms together if he was a good man and fit to have more land; but I do not know whether it would be worth the landlord's while to trouble his head about it now.

1522. Might not the landlords be rather afraid of buying up their own property as regards the tenant-right after the way they were treated in Ulster?

I would not dream of it, unless the adjoining tenant was ready to pay the landlord what the landlord paid to the outgoing tenant. I would not risk it.

1523. Duke of *Marlborough.*] In any case, whether the land was handed over to the adjoining tenant or any other person, the landlord would, on re-letting the farm, be recouped that sum which he had paid for the tenant-right, would he not?

I think he would in some cases. That farm which they valued at 300 *l.* would certainly get that or more. This one which they valued at 500 *l.* I do not think would bring it.

1524. Would it be the case that in certain instances the landlord, having paid the sum which was set down by the Sub-Commissioners as the value of the farm, might get more for that farm on re-letting it to another tenant?

He might; I think he would in the case of the 300 *l.* farm get more.

1525. *Chairman.*]

1525. *Chairman.*] How is the law under the present Act; supposing he had brought up the tenant's interest, re-let the land to the tenant and the tenant to whom he re-let was called a new tenant under the Act, would there not at once commence again the interest that the tenant had sold?
Yes.

1526. So that it would be the same thing over again?
Yes; but if the incoming tenant paid the landlord the sum he had paid the outgoing man for his interest, then, of course, when he was going he would probably get the same price again; that is if he had to go.

1527. Lord *Penzance.*] There would be nothing to make it necessary that the incoming tenant should pay the same price the landlord had given; he may give more, or he may give less?
He may give more or he may give less.

1528. It would be a matter of bargain between him and the landlord?
Certainly; the landlord might make him a present of it or charge him more if the thing would bring more.

1529. The landlord would be entitled to the market price of it?
He would.

1530. *Chairman.*] We have had before us the number of originating notices which are now pending and which as you have said just now could not be disposed of for a very considerable time by the present Sub-Commissioners; then you gave an estimate just now of what in your opinion would be the increase in applications; what did you say was the number?
I think that more than three-fourths of the yearly tenants in Ireland will go into Court unless they get a voluntary reduction, because they will be willing to chance it or risk it.

1531. What is your opinion as to the staff that would be required to do the business which would arise in that way?
The solicitors who practiced in the Courts in Kerry are of opinion that it would take two sets of Commissioners for Kerry alone, one for North Kerry and one for South Kerry, to get through the work in a moderate number of years.

1532. Do you mean the work that is pending, or the work that will come in?
To keep pace with the work that is pending and the work that will come.

1533. And I suppose two sets of solicitors also?
I suppose so.

1534. I suppose there is every possibility of an increase in the legal profession in Ireland?
Yes.

1535. Have you heard of any influx taking place?
No; but they are thriving very much.

1536. It has been suggested, and I should like to have your opinion apon the suggestion, that something might be done to meet the influx of business in this way; that where a tenant served an originating notice for a judicial rent he might be required to name a valuator and the landlord a valuator, and the two valuators to fix an umpire between them, or if they could not do it, that the Land Commission should fix an umpire, and that the rent should be ascertained in that way and taken to be the judicial rent?
I am carrying that out on Lord Powerscourt's estate with his approval. He approved of it.

1537. How does it work?
It has worked fairly well; hitherto the two valuers, the landlord's valuer and the tenant's valuer have agreed; of course, they have each to give and take, but they have agreed in a good many instances, and it is continuing now.

1538. Without an umpire?
Without an umpire; if an umpire has to be called in, it is very difficult to

get one, and he is a very expensive man, because he ought to be a man of standing in his profession as a valuer; if the two valuers cannot agree then we go to the court, and let the court act as umpire.

1539. If the two valuators are to give and take, and are aware of that beforehand, they can arrange to commence with sums which will allow of a good deal of giving and taking?

That is an Irish way of doing it.

1540. Viscount *Hutchinson.*] Have you any experience of arbitrations under the Act of 1870?

I am all against arbitrations; they are endless; I have no faith in them.

1541. Irish arbitrations generally result in an extreme demand on each side, which generally comes to be arranged somewhere about the middle, do they not?

Yes, or fail altogether.

1542. Lord *Tyrone.*] In the case that you speak of on Lord Powerscourt's property, are the tenants bound to accept the valuation of those two valuators?

Lord Powerscourt has acted very liberally. In most of these cases they had leases, and he has allowed the men, although having leases, to have this arrangement carried out, but then we endorse on the lease, and get it signed by the tenant and by his Lordship, what the future rent for the residue of the lease is to be.

1543. Viscount *Hutchinson.*] You do not break the lease?

No, we do not break the lease.

1544. Lord *Tyrone.*] But in cases where there was no lease there would be nothing binding on the tenant to accept the valuation?

No, except that they have agreed to accept it.

1545. Lord *Penzance.*] And that would put them out of court with the Land Commission?

Yes, I think they would have no leg to stand upon if they then went into court, when their own valuer had agreed to it.

1546. *Chairman.*] But there would be no difficulty in making it a legislative provision?

No, there could be a deed of submission signed by them to bind them to agree to it if it was necessary.

1547. But without that, supposing it were thought desirable to provide by way of legislation, it would require nothing except an appointment in writing of the two persons?

No, of course not. It would be a most valuable thing if we could get, instead of the sort of haphazard valuation made by the Commissioners, a valuation made by two valuators, who were professional valuators, and who would take sufficent time to go into the thing as it ought to be gone into, in order to make a detailed and accurate valuation.

1548. You say "professional valuators," could you expect the tenant to find a professional valuator and to pay for him?

On Lord Powerscourt's estate they are paying the man they appoint. He charges them only two guineas a day, but he will do a good many of these moderate small holdings in the one day.

1549. I suppose they can consolidate the proceedings?

Yes, they can consolidate, and they club together and pay him, but I think in many cases it would be very hard, and I do not think the tenants could afford it in very small holdings.

1550. Viscount *Hutchinson.*] But surely charging so much a day and their clubbing together, and a man doing 150 or 160 acres in a day on an average, that would in the case of what we call "40-acre men" in Ireland, and where they are actually "40-acre men," means valuing four farms in the day, which would represent 10*s.* a day for each tenant, would it not?

Yes.

1551. For

1551. For the chance of getting their rent reduced for 15 years?
Yes. They are hardly to be pitied.

1552. *Chairman.*] You can hardly put it on the tenant to appoint a professional valuator. He might say, I have confidence in A. B., but he is not a professional valuator; let him value for me?
He might do so, and if there is one professional valuator who is able to calculate the contents of the farm, then you might get a pretty accurate valuation, because the other man is able to tell per acre what the land is worth, although he may not be capable of saying how many acres, roods, and perches are of that value, but the landlord's man is able to do that.

1553. Lord *Tyrone.*] Have you come across many cases of sub-letting?
Yes.

1554. Has that been taken into consideration before the Sub-Commission?
No; in one case where a man's rent has been reduced he has the whole holding sub-let, and works as a labourer away. He is a man who has 27 acres; his rent was 16 *l.*, and they reduced it to 14 *l.*

1555. Has he his land sub-let at a profit?
I cannot say; but he has run the farm very much out.

1556. What is your opinion of the effect of the Act, up to the present time, upon the tenants in the south of Ireland?
It has disturbed their minds so much that they have all of a sudden found out that their rent is too high, and they come in wholesale clamouring for reduction; and as regards the younger tenants, men from 25 to 30 years of age, they have neglected their business terribly; they have all turned legislators; they meet in the country towns; they go in and spend their day in the country towns meeting together, and, as an old tenant said to me, "You will never see the same rents paid in Ireland again, because all industry is gone out of the country."

1557. Duke of *Somerset.*] The Committee were informed by the last witness that in the majority of instances the improvements were made by the tenants; is that your opinion?
The improvements *quo ad* the tenant are made by the tenant; he builds a dwelling-house, which is generally a thatched house, and he has made a number of fences for dividing the land into convenient fields for his holding; they are of value to the tenant, but they are of no value as to the letting value of the land to the landlord. In fact, if the farm fell in to the landlord, the best thing he could do would be to sweep away the house and the fences to enlarge the fields, and he would get a higher rent for it if let to an adjoining tenant; but as regards the tenants themselves, the improvements are of great convenience to them, and they are made at their own expense, but I have very few cases indeed where tenants have sub-drained their land entirely at their own expense. If they are allowed half the expense they will drain, but if they have to pay the whole of the expense they will not.

1558. But that is a common case in England of allowing half the expense by the landlord, is it not?
Yes. The landlords I have to do with allow half the expense, or used to allow it, but I do not suppose it will be done now. We used to allow the expense of opening the drains at so much a perch for 4 feet or 3½ feet drains, and then the tenant filled them up at his own expense.

1559. When you speak of the tenants now all becoming politicians, do you mean that they have ceased to make any improvements?
I do; not only to make any improvements, but they are not tilling their land or looking after it. Instead of spending the days that they ought to do on the land, you meet them in the nearest towns three or four days a week.

1560. Marquess of *Salisbury.*] Then there will be great distress in the winter?
I am afraid there will be a very bad prospect of a crop this year if they go on in the way they are going; they are so unsettled in their minds.

1561. I suppose they hope that they will get a good deal more than the reduction of rent?

They calculate on getting the reduction, and put an exaggerated value on what it is going to do for them. They think if they get a reduction, that reduction is going to make gentlemen of them, but in comparison with what the increased produce would be if they minded their farms properly, it is a mere nothing.

1562. I suppose that exaggeration of theirs is one of the evil results of the entire uncertainty that exists as to the principle guiding the Sub-Commissioners?

Partly that, and partly that the Irish tenants think the rent is everything. They do not consider that an extra barrel of corn to the acre would be worth more than any double reduction of rent that they can get, and it rests with themselves, if they properly cultivated their land. They are all looking to reductions and what I call alms, because that is what virtually they are looking for.

1563. They look to some political machinery or result to give them that which should come from their own industry?

Yes.

1564. Lord *Tyrone.*] You are aware that the Sub-Commissions are likely to be moved from their present positions in the different counties, are you not?

I heard that the same men were not to go the same circuit again, that they would have a different set on each circuit.

1565. Do you consider it would be unfortunate if men were removed from a district, the locality of which they had learnt both the class of tenant and the class of land?

I think it would be better that the same men went again. They would have more knowledge of the different styles of farming in the district, and they would by degrees learn it at all events.

1566. I understood from evidence you gave earlier this morning that you were against the establishment of a peasant proprietary?

I am not against it, but I have no faith in it. I would be very glad to see it succeed if it would succeed, but I do not believe that it would succeed.

1567. Marquess of *Salisbury.*] You would be glad to see it as an interesting scientific experiment?

Yes.

1568. Lord *Tyrone.*] Do you consider that the improvement of the purchase clauses, making them workable, would be an immense advantage to the landlord?

Yes, I think it would. Under the present state of things in Ireland I think it would be a great advantage to small proprietors to be able to sell their properties and get away out of the country, and I think that is what would happen if they could get anything near the value. It does not so much matter to large proprietors, but as to small men I think there will be a great exodus of them as soon as ever they can sell; at present, of course, it is out of the question.

1569. Viscount *Hutchinson.*] Do you think they will ever be able to sell?

I do not see any light or loophole in the whole thing.

1570. In fact, you think, as we have been told before, the tenant is in such a position under the Act that he would not purchase?

I know a case down in the west, and I have it from the solicitor of the landlord in which this happened; the landlord went down, the parish priest was a friend of his, and he asked the parish priest to find out how many years' purchase the tenants would give him for the sale of his property. The parish priest went and consulted them, and came back the next day and said, "The tenants will give you 12 years' purchase for your estate," but he said, "They do not want to buy it; they know they are much safer under you than they would be under the Government; they can get time from you when they want time; they know they would get no time from the Government, and would much rather stay as they are if they get their rents reduced."

1571. Marquess of *Salisbury.*] Do you think they have any views beyond getting their rents reduced, and that they hope that some turn of political fortune may give them even larger advantages than the reduction of their present rents?

I think it is very likely, but I could not exactly say.

1572. That has not come under your notice?

It has come under my notice, but I could not say positively that they have that in view; I have no doubt that they have, and that there is a great deal of that; they believe that this is only the beginning, and they have reason to think so. First they got the Act of 1870, now they have got this Act, and they have no reason to despair of getting a worse one yet.

1573. And, therefore, they think that it would be foolish to waste their money in buying the land?

Yes; at all events that they have no desire to go to the Government, as they call it, to be their landlord. They know they would get very short shrift in that case, but they know the landlords will give them time if they want time.

1574. Lord *Tyrone.*] Is it not the only hope for landlords who have mortgages on their property that the purchase clauses should be improved?

Yes.

1575. That is the only hope for landlords who have mortgages on their property?

I really think so.

1576. Do you not consider that a large number of properties which have been mortgaged will be brought into the Encumbered Estates Court?

I do. I have to do with one landlord, the whole of whose margin will disappear when his rents are disposed of by these Sub-Commissioners; he is very heavily charged.

1577. Marquess of *Salisbury.*] What is the proportion of his margin?

It is a very small estate; the rental is only 1,200 *l.* a year; he has about 300 *l.* a year profit out of it, and I think the whole of that will disappear.

1578. *Chairman.*] Where was that?

That is in Wexford. I am agent for the estate, so I know the fact.

1579. Lord *Tyrone.*] That property will probably be sold in the Encumbered Estates Court for almost nothing you think?

I do not suppose if it was sold now it would bring the amount of the charges on it.

1580. *Chairman.*] At present, is there practically any sale of estates in Ireland?

No; practically there is no sale.

1581. So that you could not say what it would sell for?

No, I could not form an opinion.

1582. Duke of *Marlborough.*] The Encumbered Estates Court would not, I suppose, sell a property very much below what it is worth?

No, the judges are very reluctant to sacrifice the property; they adjourn the sales.

1583. In the case of that property, there would be no prospect of finding a purchaser for it, unless the tenants themselves came forward and purchased, would there?

I think all the landlords have to look to is to the tenants, and I do not think the tenants will buy.

1584. You have mentioned some of the difficulties which exist in the way of tenants becoming purchasers of their farms; has it ever occurred to you what may be done to facilitate that process of the tenants becoming owners of their farms by purchase?

It has, and I see a very good letter in "The Times" to-day on the subject, but

but I think unless the Government are prepared to lend the whole of the purchase money, I am afraid that the tenants will not buy.

1585. But even in that case, supposing the Government did lend the whole of the purchase money, there would always be that sentimental difficulty to which you have alluded, that the tenants did not wish to bring themselves under the Government?
There would; they are afraid of doing that.

1586. And, in fact, if the Government lent the whole of the purchase money, the sum to be paid in redemption of the purchase money would be as much or more than the reduced rent, would it not?
It would, as originally arranged, but according to the letter in "The Times" to-day, if the Government would advance the money upon favourable terms, it would not be quite so much as the present rate.

1587. Still the time during which the repayment would have to go on would be proportionately longer?
It would.

1588. Marquess of *Salisbury*.] Within your knowledge, are the tenants themselves much encumbered with money lenders?
Yes, very much.

1589. Deeply pledged?
A great many of them.

1590. Do you think that that is increasing?
No, the money lenders and the banks drew the line very sharply about three years ago to get in their money so far as they could. It is not increasing, it has been rather reduced. No one will give them credit now in fact.

1591. The banks will not lend?
Credit had prevailed to an enormous extent. The Munster Bank, in Kerry, had pushed their business by lending small sums on the bills of tenants there, and the facility of getting this money that was afforded to ignorant men who never looked forward as to how they were going to pay it, involved them very much, and the bank renewed these bills from time to time, and kept them going for some years; then when the bad time came, they pounced upon these men, and it has left them all very much impoverished and broken down from having to pay up these loans.

1592. How near to the selling value of a farm will a bank lend?
I could not say that, but I have known them lend too much. I know a case on Lord Muskerry's estate, down in Limerick, where the National Bank had lent the tenant more than what the farm would sell for.

1593. Banks must be conducted on very unusual principles that would do that?
That is the National Bank, at least that is my opinion. If the times get better they may get out of it without loss.

1594. Lord *Tyrone*.] Had not the tenant to give security also to them in two solvent tenants beside himself?
I think he had; he had to give other securities.

1595. Lord *Penzance*.] Is it the practice of banks in Ireland to lend as banks in England do, upon promissory notes with two sureties?
Yes.

1596. Marquess of *Salisbury*.] There were sureties in those cases that you have spoken of, you think?
I think there were.

1597. Viscount *Hutchinson*.] You do not believe that the extra interest given to the tenant by the Act of 1881 has yet been largely availed of, and you do not think the banks have begun to advance money upon that?
No, not yet, but I know there will be a wholesale rush as soon as things settle

settle down; the very first thing they will do will be to rush in to raise money on the increased security they have.

1598. We know the security of 1870 was not a very large one?
It was not, and the banks made a mistake. They did not know the nature of it, and they found out that it was a mistake of theirs to be lending their money on that security, because it was really a security which rested with the landlord. Now it is a *bonâ fide* security that they can lend the money on with safety.

1599. I suppose as the bank knows that, the Gombeen men are equally aware of it?
Yes.

1600. And of course there having been that security, this further security of 1881 makes it very much the interest of people connected with banks and the money-lenders in the towns in times of bad seasons to persuade the tenant that they have the power of claiming their debts?
Yes.

1601. Marquess of *Salisbury.*] What sort of interest does the bank charge?
I do not deal myself with the National Bank, but I understand that they vary the interest according to the security.

1602. What is the interest for fair security?
Five per cent. and six per cent., five per cent. when the bill is discounted for three months; if it is renewed it is six per cent. from that time, and if the bank rate rises it goes up.

1603. In the case of the Gombeen men the charges are more?
A great deal more.

1604. Earl of *Pembroke and Montgomery.*] You said just now that you thought the small landlords would shortly part with their properties; do you not think it more likely that the large landlords will be the people who will get rid of their properties, men who can afford to sell their properties at a large loss. Would not the small landlords be obliged to hang on and get what rent they can, because they would not be able to afford to sell except at a ruinous loss?
The large landlords would not be pressed by encumbrances in the way the small men are. They can afford to wait. I think they will all become non-resident whether they are large or small, but they are not so pressed to sell as the poor men are.

1605. Duke of *Marlborough.*] In reference to that last question, your opinion is that one of the effects of the present state of the law as regards land will be to increase non-residence in Ireland?
I am quite satisfied of that. All our resident landlords in Wexford who were hunting men have gone away to Cheshire to hunt, and it has been the same in other counties where they had some amusement in the winter. Now it is all put a stop to.

1606. Would the fact that you alluded to just now of the gentlemen having left Wexford be owing to the cessation of sport in the country?
Very much, and losing their interest in the management of their properties.

1607. Notwithstanding that cessation of sport there would still be that other inducement to leave the country, namely, the loss of their interest in the manage- of their properties.
I think that will be the effect.

1608. Earl of *Pembroke and Montgomery.*] I should like to ask you a question about the Arrears Clause. We had it in the evidence of a previous witness, Mr. Godley, that the tenants have been in some instances desirous of making use of the Arrears Clause, and have been unable to obtain the consent of their landlord to do so?
Yes.

1609. You have great experience among landlords and the landlords' view of the question; I should like to know what, in your opinion, is the reason why landlords have been unwilling to avail themselves of the Arrears Clause?

If a year's rent is advanced by the Government, and the tenant fails to pay it, the landlord has to pay it, and the tenant has to pay, I think, 8½ per cent. upon the loan. If the tenant is not able to pay his accruing rent now it is not likely he will pay his accruing rent in future with 8½ per cent. on the amount of the loan added to it, and the landlords believe that eventually it is only getting money out of their own pockets, and that they will have to pay it themselves.

1610. You believe the landlords of Ireland generally have been very unwilling for this reason to make use of it?

In any case of tenants referred to me I have advised the landord not to entertain it. Unless the landlord is very hard up indeed it is no use to enable the tenants to borrow money that he will have to pay himself by-and-bye, because it is pretty certain the tenant will not pay it.

1611. Viscount *Hutchinson.*] That is in Kerry?

In other parts too, and in Wexford.

1612. Have you many holdings under 30 *l.* in Wexford?

A good many; I do not think I have had a case in Wexford, but I have had to do with a good many counties.

The Witness is directed to withdraw.

MR. CHARLES UNIACKE TOWNSHEND called in; and Examined, as follows:

1613. *Chairman.*] You have been largely engaged in the management of landed property in Ireland since 1847, we understand?

I have.

1614. You are in the first place an engineer, I think?

Yes.

1615. Carrying out works of the land improvement?

I have been.

1616. That was from 1847 to 1851?

Yes.

1617. And since 1851 you have been agent in the management of property?

Quite so.

1618. You live in Dublin, I think?

I do.

1619. Have you agencies in different parts of Ireland?

I have.

1620. Have you had anything to do with Ulster, as well as other provinces?

Yes.

1621. Have you had experience of the proceedings of the Courts under the Land Act of last year?

I have.

1622. Have you been able to determine to your own satisfaction any principles upon which the Courts have proceeded in endeavouring to ascertain what was a fair rent?

I have heard cases tried in Court, and subsequently accompanied the Commissioners in their perambulations upon the land; one set of Commissioners informed me that they were not valuators; that they heard evidence in Court and visited the lands to make themselves acquainted with the place and the general

general appearance of the farm, but they made no inquiries as valuators would do. For instance, they had no spade with them to test the soil and subsoil, and in another Commission the course was entirely different. They, of course, similarly took evidence, but on the following day they went over the ground, and the farmer accompanied them with a spade, and the soil was examined most minutely, and notes taken in particular by one of the Sub-Commissioners, so that in that way the course taken by the two Sub-Commissions was entirely different.

1623. Have they proceeded at all upon the principle of the value of produce, and the capacity of the farm and production?

It seems to me that the value of produce is not, as a rule, taken into estimation. They hear evidence and they come to a general conclusion from an inspection, but the matter seems not to be closely gone into in any way.

1624. You have been long acquainted with Ireland; are you aware of the principles upon which Sir Richard Griffith's valuation was made?

I am familiar with them.

1625. What was the character of the instructions which those who valued under him received from him?

In the Act passed in 1852 there was a scale of prices of agricultural produce laid down, which was the basis upon which they went; I hold in my hand a copy of his book of instructions to his valuators, which was prepared with the greatest care, and is a most precise and interesting book.

1626. Was there a scale of prices in the Act itself?

There was.

1627. And did his instructions refer to that scale, and to the necessity of ascertaining what the farms would produce?

His valuators were bound to take that scale of prices as the basis of their proceeding, and his instructions dealt with the various classes of land; that is whether they were tillage, pasturage, or mountain; they also dealt with houses and house property, and flax mills, and the various kinds of property that in going round should be dealt with.

1628. Viscount *Hutchinson.*] And the geological character of the land, I suppose, as well?

His instructions were that the geological formation of the district should be studied, and that the soil and subsoil, and the underlying rock, should be carefully examined.

1629. *Chairman.*] Sir Richard Griffith's valuation we have always heard was for taxing purposes, and not for the purpose of settling questions between landlord and tenant; I do not know whether that is your opinion?

It was entirely for the purposes of taxation.

1630. And for the purposes of taxation, I suppose, it did not matter in any respect whether it was a high valuation or a low one, so that it was uniform?

Sir Richard Griffith's efforts were to secure a low valuation, so that there should be no appeals, and that it should be relatively fair, and with these requirements satisfied, appeals were, to a great extent, avoided.

1631. Is it the case that different opinions have been given about it; that when you came to Ulster the valuation was of the same character there that it was in other parts of Ireland?

The circumstances had changed. Sir Richard Griffith was directed amongst other things to take into consideration the taxation. He was bound to deduct from his valuation the taxation at the time he made his valuation. The valuation of the southern lands was made at the time of the famine in Ireland when the workhouses were crowded, and when poor rates were 3 *s.*, 4 *s.*, 5 *s.*, and more in the £. Owing to a mistake in the Act, he was bound to deduct the entire of the poor rate as well as of the county rate. There was no mistake as regards the county rate, but there was as regarded the poor rate; the Act should have run, that he was to deduct what the tenant himself was to bear. The other moiety

was allowed by the landlord. When they came to Ulster, the poor rates that in the other provinces had been 4 *s.* or 5 *s.* in the £., were perhaps only 1 *s.* in the £. That was one element.

1632. While the valuation in Ulster was higher?
While the valuation in Ulster was higher, as it is higher and nearer to the letting value.

1633. Was there any other reason with regard to Ulster?
Yes, the system of agriculture had improved very much within 20 years.

1634. Was there that amount of difference in the times of valuation?
There was a very large amount of difference. To exactly measure it would not be easy, but owing to the action of the agricultural societies an improved breed of cattle was introduced into the country, and improved machinery; railways had been constructed and the cross channel transit had been improved. The valuation was completed in 1864, and between 1848 and 1864 an enormous change had passed over the country.

1635. Was he obliged to adhere to the same prices?
His guide all through was the Act of Parliament in which the scale of prices was the basis. Perhaps I might be permitted to add that at the time this scale of prices was laid down the prices of meat and butter were very low indeed. Cereals were somewhat higher in proportion. The position has since been reversed. Cattle and butter have been and are at this moment very high. Cereals are not so high; the American import has checked the increase. It has not much affected the price of meat further than this, that it has prevented its rising to an undue amount. Had not the American competition, as it is called, prevailed, meat would probably have been 25 per cent. higher than it is, but the price, as I know, as a consumer and also as a producer, is very good still.

1636. Then the judicial rents which are fixed now will continue for 15 years?
They will.

1637. And what is the power of changing them after that time?
I look upon it, and many others with whom I have conversed, look upon it that the rents now fixed are fixed, practically, for ever. Perhaps before we pass from Sir Richard Griffith's valuation you would allow me to mention that under one of the clauses in the Act they were bound to omit from consideration all improvements effected for seven years prior to the date of the valuation being made. Now that, in the southern counties, takes you back to about the year 1845; so that all improvements, whether effected by landlord or tenant, from 1845 up to the present time, are excluded from Sir Richard Griffith's valuation. He had no power when once the valuation was made to increase the valuation of the land. The valuation was fixed, and is now the same that it was when it was published in 1854. All improvements for seven years prior to the date of the publication were excluded, and are still excluded except in the case of houses. Land improvement is entirely excluded. The section is section 14 of the Act of 1852; it is to be found on page 4 of his instructions.

1638. Then I understand you to say that it is your opinion, speaking at the present time and looking to the increase of price in the various articles of produce, to the development of railways, and to money laid out by the owners of land upon the land, a valuation like that of Sir Richard Griffith, or anything about that would be unduly low?
Certainly; more particularly in the pastoral lands where the produce has very nearly doubled in value since his valuation was made.

1639. Lord *Tyrone.*] How much below the fair letting value is it, as a rule, on the average taken by Griffith's valuation?
Sir Richard Griffith stated that his valuation was 25 per cent. under the letting value. That means that to the present valuation you should add 33 per cent. in order to arrive at the fair letting value. That is on an average; but I know cases where land is cheaply let at 500 per cent. over Griffith's valuation.

1640. *Chairman.*]

1640. *Chairman.*] What kind of land is that?
Mountain lands, sheep runs.

1641. Lord *Tyrone.*] You consider that Sir Richard Griffith's valuation was 33 per cent. below the fair letting value at the time it was struck?
Thirty-three per cent. added to Sir Richard Griffith's valuation would average about the fair letting value.

1642. At the time it was struck?
That was his dictum.

1643. Duke of *Norfolk.*] I thought you said 25 per cent.?
His valuation was 25 per cent. below the letting value, which means that 33 per cent. should be added; his value being 25 per cent. below the actual value, to arrive at the letting value, you must add a third to his valuation to bring it up.

1644. Lord *Tyrone.*] Would you not put it more clearly in this way: Sir Richard Griffith having arrived at the fair letting value of the land, took off 25 per cent.?
Practically, that is what it comes to.

1645. And therefore to bring it up to the same amount you would have to add 33 per cent. upon the lower sum?
That is so.

1646. Earl of *Pembroke and Montgomery.*] I suppose it is a fact that land in Ireland, like land in England, deteriorated a good deal during the bad seasons that we have had lately?
There has been a temporary (as I hope) deterioration. The fruits of the earth have not been as satisfactory as in other seasons; that is in 1879 and 1880 more particularly; 1881 has been one of the most abundant years we have ever had for some articles of produce, but I do not think that in recent years grass has the same fattening properties that it had, owing to the undue rainfall and the saturation of the earth, and its not having recovered its normal warmth.

1647. Lord *Tyrone.*] Was there inducement upon all sides to keep Griffith's valuation low?
There was.

1648. In what way?
In order to avoid appeals; and I should mention that there was no income tax in the earlier years of his valuation; it was of no importance as regarded the State how low it was, and it was of no importance as regarded individuals so long as it was relatively fair; and to avoid any question about its being an undue valuation, he kept it as low as he could consistently with his instructions.

1649. *Chairman.*] In Ulster how much below the letting value do you suppose it is?
I should say broadly that 10 to 15 per cent. added to Griffith's valuation in Ulster is about the average letting value.

1650. I should like to ask you about the proceedings before the Land Courts. The landlord is served with an originating notice. We understand the notice simply claims the fixing of a judicial rent. It does not condescend upon the particular rent which is claimed, and it does not state anything more as to the case of the tenant. What is the difficulty that that places the landlord in?
The landlord enters the Court in entire ignorance of what the tenant's claim is; he has no statement furnished as regards the improvements which the tenant seeks to claim to have a value put upon and to have deducted from the rent. Under the Act of 1870 the tenant was bound a month before his claim could be heard to serve a "statement of claim," giving the particulars of the holding, a detailed statement of the improvements, the value of each improvement, and the date at which it had been executed. The landlord had that for a month beforehand. It was compulsory that he should have it. He then sent out his valuator, or his agent went out with the claim in his hand, and was able to go

over the ground and examine the different items, and was prepared in Court to meet the tenant. He admitted where the claim was fair; he disputed where he conceived it to be otherwise.

1651. You said just now that the landlord does not know what improvements the tenant relies upon, and wishes to have their value fixed, in order to deduct them from the rent. How does a tenant begin to show that any rent is paid on the improvements?

That question does not arise. The course is this: valuators come upon the table on behalf of the tenant and prove what they conceive to be the present fair rent.

1652. Do you mean professional valuators for the tenant or unprofessional?

I mean all kinds of valuators that can be got together. They are hardly ever professional valuators; they are frequently and generally tenants who have originating notices of their own yet to be heard.

1653. You mean that they are neighbours?

They are neighbours, and as a rule (and I speak from experience) their valuation is about a third of the present rent. That is the tenants' valuator's estimation of the fair value; that is taking 66 per cent. or two-thirds off. It is most remarkable that whether it be in Antrim or in Tyrone, or in Waterford or Wexford, the proportions are similar.

1654. They begin with that?

Yes; and then the tenant gives a list of his improvements, and I may mention that in order to endeavour to protect themselves the landlords serve notices upon the tenants to give a detailed statement (such as under the Act of 1870 was compulsory) of their claim to improvements. It has happened to me before now that a statement has been given without any dates, and when the witness has come upon the table he has proved an entirely different state of affairs. Not one single item that was in the statement that he gave is proved when he is on the table, but an entirely different set of improvements.

1655. Marquess of *Salisbury.*] Was he allowed to do that?

He is allowed to do that, and he is allowed to increase his claim 30 per cent. when he is on the table. I have in my hand two statements of claim relating to the case of Major Stewart, landlord, Eliza Hunter, tenant, county Antrim. The first was for 201 *l.* 1 *s.* 6 *d.* I went with that in my hand over the lands with a person on behalf of the tenant, who showed me some of the improvements; he was only able to show me some. I then attended in Court, and to the amazement of counsel and solicitor and myself, a claim for 260 *l.* was preferred. No one item in the new claim corresponded with the items in the first.

1656. *Chairman.*] Was that in addition to or in substitution of the first?

In substitution. It was entirely different, and it is very remarkable that items like these were put in: "22 perches of ditches levelled at 3 *s.* 6 *d.* a perch; 22 perches of ditches made at 4 *s.* 6 *d.*" So that they level the ditch on one hand and make it up on the other, and seek to charge the landlord 8 *s.* a perch therefor, and in fact (as was remarked in Court) by a judicious system of fencing, they may fence the proprietor out of his estate.

1657. Lord *Brabourne.*] What was the result of that case before the Commissioners?

The result of that case was remarkable. The land was let below Griffith's valuation at a moderate rent. I had employed a valuator to go over the land, and he had reduced the rents about 20 per cent. in his valuation, stating that the rent was too high, and that all the improvements were made by the tenant; he put a value upon the improvements and deducted them, my instructions to him having been, "Value the land as you find it exactly; take a note of what the tenant tells you are his improvements; take a note of their value, and if in Court he can substantiate his claim to them, then they can be deducted." But he took the other course (I have his letter here); he said, "Our course is to put a value upon them and deduct them," and he said to me, "I daresay

you

you will not produce me in Court." The counsel said certainly, "Do not," and he was not produced. We got another valuator who went over the ground; he was an inspector of the Board of Works, a man of position. I paid him five guineas a day; he reduced the rents perhaps about 6 per cent., and when I subsequently went over the ground with the Sub-Commissioners, one of them said to me, "Your valuator has hardly dealt fairly by you," which I took to mean that our rents were very moderate, in fact, he said so to me, and in giving judgment in that case there was a difference of opinion upon the Bench. The report that I have here states that one of the Commissioners considered that the rent was a fair rent, and should be confirmed. The legal Commissioners said, "We have the landlord's evidence that it should be reduced 3 *l.* I think we are bound by the evidence," and the other Lay Commissioner voted with him, and the rent was reduced.

1658. By the 3 *l.*?
By the 3 *l.*

1659. Lord *Brabourne.*] How did they deal with the improvements?
We have no means of knowing, but we assume that they conceived that our rent was so low; it had not been raised upon the tenants' improvements; that the tenant had his improvements, and was compensated for them.

1660. *Chairman.*] You mean that the dissentient Commissioner thought them low?
The Commission held that our rent was low.

1661. Duke of *Norfolk.*] And no deduction was made for improvements?
We do not know.

1662. The 3 *l.* was not for improvements?
The 3 *l.* may or may not have been for improvements, but the position is the same. The improvements were proved upon the table in the way I have stated, and we do not know how the Commissioners arrive at a conclusion as to what is a fair rent.

1663. *Chairman.*] I thought you said just now that they arrived at a conclusion by holding that your rent was so moderate that it did not include the improvements?
So I suppose.

1664. Marquess of *Salisbury.*] That is merely an inference of yours?
Merely an inference.

1665. *Chairman.*] When this new schedule was produced, did you claim to have the case adjourned in order that it might be examined?
We protested against the case being gone on with, and said that it was a monstrous thing; but, notwithstanding that, the case was gone on with.

1666. Marquess of *Salisbury.*] They declined to adjourn?
They did not adjourn.

1667. *Chairman.*] Did you ask for an adjournment, or merely protest against its going on?
We protested, and said we ought to have time to consider it, because it was a new bill of particulars, but the Court went on with the case.

1668. Viscount *Hutchinson.*] May I ask you what sort of case it is?
The bill of particulars was voluntarily given, and when we found fault with the change of front, the solicitor of the tenant smilingly said, "It is only a compliment our giving it to you at all; we shall give you no more in the other cases."

1669. Duke of *Norfolk.*] There is nothing to prevent such documents as those being handed in intentionally to mislead the landlord, is there?
It would appear so.

1670. Earl of *Pembroke and Montgomery.*] We had it from the last witness that improvements were often made by the tenant which were of value to the

tenant, but which were of no value to the landlord; that is to say, they do not in reality add to the letting value of the land; surely the Court would not make deductions on account of improvements of that sort, would it?

The course taken by the Court is most remarkable. A tenant is upon the table, and, being asked about his improvements, he swears, "I made so many perches of fence at so much a perch; I reclaimed so much land, I drained so much." The fences are never identified upon the ground; they may be actually a disimprovement, or it may have happened that he had put up a fence, and subsequently levelled it, and, *non constat*, the landlord may be charged with both improvements; there is no check at the present moment.

1671. *Chairman.*] Do you mean to say that the way they arrive at the value is by taking the cost, and not by taking the value of the thing as it stands?

The tenant gives his estimate of what it cost him; the landlord then to the best of his ability meets the case. For instance, in the case I have referred to, some of the improvements that are there charged at a very high rate for the present day when labour is high were made 30 years ago, when labour was less than half what it is now. I am practised in such matters, and I know what prices were. The landlord can cross-examine, and must only endeavour to make out the best case he can, and try to arrive at a conclusion as to what the real value and the effect of the improvement is.

1672. Earl of *Pembroke and Montgomery.*] But if the landlord were to succeed in showing that the improvements claimed by the tenant had made no addition to the letting value of the land, surely the Court would rule those improvements out of court as regards a reduction of rent?

If the landlord, when served with an originating notice, had a statement of the claim to be made and had an opportunity of going upon the ground and seeing what the improvements were, he would then be in a position to show that the improvements, so called, did not increase the letting value of the holding. In fact, I heard it proved in Court that the fences levelled by a tenant, which he claimed as an improvement, were levelled because he had other farms, and large fields suited him; but if this small holding upon which he had levelled the fences were put into the market it would let at a lower rate, consequent upon his so-called improvement, than if he had not levelled the fences. That fact came out upon cross-examination. But those are some of the difficulties in which a landlord is placed, and counsel versed in legal matters are not thoroughly up in those practical dealings with tenants.

1673. Marquess of *Salisbury.*] You have not appealed in this case, I suppose?
No, it is one of the few cases in which I have not appealed.

1674. You have appealed generally?
As a rule.

1675. *Chairman.*] It would not have been worth your while to appeal in that case, as regards the rent, would it?
No, the costs are so large that we have to think very seriously indeed about appealing.

1676. The stake was only 3 *l.*?
In that one holding there was a question of 3 *l.*, and that and another holding were reduced, I suppose, about 8 *l.* a year altogether, and our costs in fighting the case were not less than 35 *l.*

1677. Viscount *Hutchinson.*] Do you mean before the Sub-Commissioners?
Yes, we had to wait from day to day with a valuator at five guineas a day; we had a solicitor there; I was there living at an hotel; all these expenses were going on, and we had counsel employed; so that the costs came to a very large amount.

1678. Was this case of yours decided before the decision of the Chief Commissioners in the Courts at Belfast as to costs?
It was since that decision.

1679. Then

1679. Then you only had to pay your own costs?

They were quite enough. I may mention that this is one of the forms containing a list of the cases set down for trial on the occasion I speak of. There were 58 cases set down for trial; there were 11 cases heard; they occupied three days in hearing; my cases were numbers 10, 11, and 12; number 12 they did not reach. Next to me came about 30 cases of Lord Massareene's, and I shall probably, unless we can induce the Commissioners to alter the order, have to go down myself with the valuators and solicitors to dispose of that one adjourned case before Lord Massareene's come on. It is a small holding, but the expense of the defence will be considerable. That is one of the inconveniences to which we are put in addition to having to attend at Court for cases which are ultimately adjourned until the following session; I have had myself to go down with valuators and solicitors, attend some days at Omagh, and on the third day it was discovered that our cases would not be heard; I had then to come back to Dublin. There has been another session since, and the cases have not been heard yet.

1680. *Chairman.*] Would it not be a considerable convenience to take one of these lists with 50 cases, and if when you came to the first case you found there were other cases relating to the same estate with which the first case was connected, bring up alongside of it all the cases belonging to the same estate?

Yes, I would suggest, for the sake of the Commission itself, that cases on an estate should be grouped. It will be understood by the Committee at once that when farms are scattered, perhaps 20 miles asunder, the Commissioners lose a great deal of time in driving to these distant places, whereas if the time of the Court were occupied in going over the farms in one district they could visit twice as many in the time, save a great deal of expense and time to all parties, and get through their work much more rapidly.

1681. In this particular list it looks as if there had been some grouping; all Lord Massareene's cases are put together and Mr. Neill's?

Lord Massareene's tenants probably lodged the originating notices together.

1682. Marquess of *Salisbury.*] I have got another list in which I find the numbers are in and out; they do not follow consecutively. Between 83 and 84, 145 and 146, are interpolated; that looks like a re-arrangement?

There may have been an application made to the chief Commission for the purpose; I do not know how that is.

1683. *Chairman.*] When does the statutory period begin to run; is it from the date of the judgment?

The Act says from the gale day next following the date of the judgment; but the Commission have made a "first occasion" of about a month or six weeks at the commencement of their session, and all cases lodged during that time and recorded, though not adjudicated upon for 12 months, take effect as from the passing of the Act. The landlord I may mention finds it very difficult to get witnesses at the present time.

1684. Do you mean ordinary witnesses or valuators?

There is a difficulty in getting valuators. A new race of valuators has sprung up, and when a valuator gets upon the table he is in fact as it were the landlord; the landlord is in his hands, and what he proves of course binds the landlord.

1685. If he is the landlord's witness?

If he is the landlord's witness.

1686. Marquess of *Salisbury.*] But he is not in sympathy with the landlord, you mean?

My impression is that the valuators in Ireland are valuing more or less with the times.

1687. With a view to the political feeling out of doors, do you mean?

I have spoken to one of the leading valuators upon the subject, who said to me, "by valuing low we shall stand well with the Commissioners." They stand well with the tenantry, and they stand well with the Commissioners. They recognise what Lord Pembroke referred to just now, that there is a time of temporary depression, and they make use of it.

1688. They value more with a view to their own personal interest than to the actual yield of the estate?

The effect is so as regards the landlord. I have cases myself where the most skilled valuators if they had been produced would have lowered our rents considerably below what the Sub-Commissioners fixed them at.

1689. And they would have done that you think, influenced by a feeling for their own personal popularity?

I think they would have done it in view of the reasons I have mentioned.

1690. Earl of *Pembroke and Montgomery.*] Partly on account of the deterioration of the land, do you mean?

The deterioration of the land would have some effect, but if you speak with them they will admit that that is temporary; we do not look upon it that the seasons have altogether changed in Ireland.

1691. Marquess of *Salisbury.*] That is not, I understand, the only or the chief motive, but a desire of standing well with the Commissioners and with the tenants?

Undoubtedly so; but of course there are some exceptions.

1692. We have had it in evidence that many of the new race of valuators are acting or retired schoolmasters; does that come within your knowledge?

I know that that is so as to the valuators on behalf of the tenants.

1693. Viscount *Hutchinson.*] Then there is this in it as well, is there not, that, supposing the depression to exist, which of course is always a moot question, it is not the valuator's actual business to take into consideration the fact that the rent is to be fixed for 15 years or in perpetuity: his business is to value the land as he finds it?

To value the land as he finds it.

1694. That would be another factor, supposing a depression to exist?

The chairman of the county of Waterford, when he had cases in which I was concerned before him, said, "You must bear in mind that it is for the future you are fixing the rent, and must not judge altogether by the present condition of things."

1695. That happened in Waterford before the county court judge?

Yes.

1696. Earl of *Pembroke and Montgomery.*] Do you know on what principle these valuators value at all?

My own impression is that they value very much upon the lines of what they would be willing to give for a farm themselves, but the valuators that are employed are putting a considerably reduced valuation upon the land now, compared with what they would have done three years ago.

1697. Considerably below what a solvent tenant would give for it?

Certainly, if the country were in a peaceful state. At the rents now being fixed enormous sums will be paid for tenant right.

1698. *Chairman.*] Have these valuators that are called professional any special training, or do they belong to any special body who pronounce them capable, or does any one who chooses call himself a valuator?

There are certain gentlemen who have been valuators for years, but there is another class sprung up of late that call themselves valuators.

1699. And do they get five guineas a day?

They get from two to five guineas a day, according to the class of man; but if you have a large holding and want a good class of valuators, four to five guineas a day is the charge.

1700. Are the class of valuators who possess the confidence of owners of land the new class or the old?

The old class.

1701. And is there any difficulty in getting one of them to value a holding for the purpose of one of these cases?

There is no difficulty in getting them to value; they will take an engagement to value.

1702. Do your observations, that you cannot place reliance upon their valuations, apply to them also?

My observation goes to this extent, that the lands are being valued lower than their actual worth, and I can prove it; I have a case myself, in the southern county in which a farm is rented at 125 *l.* a year; the tenant has made no improvements (the land is naturally good) further than building a house, towards which he got an allowance, that expenditure being about 150 *l.*; I can get him for his goodwill of that farm, at any moment, 900 *l.*; I sent a valuator over that farm and he reduced the rent of it (although that large sum can be got for the interest in it) about 15 per cent.

1703. That is not a case that came into Court, is it?

That is a case that is to come before the Courts.

1704. Lord *Tyrone.*] As regards these valuators, have you ever heard that they have stated that they valued low in order to get the ear of the Sub-Commissioners?

Yes.

1705. And that if they had put the fair value on, the Sub-Commissioners would not have listened to their value at all?

That the Sub-Commissioners would have more confidence in them if they valued low.

1706. Therefore it was better for the landlord to take a small loss than to risk the probability of a much greater one?

The conclusion that is forced upon me is almost to dispense with valuators, more particularly where rents have not been altered for 20 years or upwards, and where the tenants have lived and thriven.

1707. Have not the Sub-Commissioners stated that if the landlord does not produce a valuator they will take the valuation of the tenant's valuator?

That has been stated; where no evidence was offered, for instance, by the agent as regards his knowledge for 25 years that the rents had been unaltered, that the tenants were comfortably off, and that they had given portions to the daughters, and so on, I look upon that as evidence of the strongest kind; but in the case to which your Lordship refers, there was no evidence offered on the the landlord's side.

1708. Lord *Brabourne.*] In the case you have just mentioned, where you could get 900 *l.* for the tenant right of a certain farm, could you not get that sum because the element of competition would be introduced; is not the reason why you could get so large a sum that the tenant would have that element of competition in getting his tenant right, that the landlord would not have in letting his land?

The reason is that the land is particularly good pasture, and there is a natural desire to get an extension.

1709. There would be competition, then, would there not?

There would be competition for a good farm, but I can get the 900 *l.* referred to without competition.

1710. When the valuator valued, would he not take into consideration the fact that the land would not be worth so much to the landlord, because he could not get so much?

The sum of 900 *l.* being available now beyond the landlord's rent shows that the rent paid to the landlord is a moderate one.

1711. But the valuator is valuing with a knowledge of what legislation has already taken place, and may possibly take place if the same principles are carried out. Therefore taking all these elements into consideration, is it not likely that he may, without being actuated by any very great desire for popularity, think that the letting of a farm, for which no fair competition comes into the field, is

something very different to the selling of a tenant right in which it does come in?

I cannot agree with that view. This is a question of a farm naturally good. The inherent qualities of the soil are the property of the landlord, and have been in no way conferred upon it by the tenant; he got the farm for nothing, and can get a large amount by quitting it.

1712. Viscount *Hutchinson.*] But the fact of lowering this rent will very likely send your tenant right up to 1,200 *l.*?

The probability is, if lowered, that the purchase money would be 1,200 *l.* or 1,400 *l.*

1713. Lord *Brabourne.*] Then it comes to this, that what you take out of the landlord, by the reduction of rent, you practically put into the pocket of the tenant?

It does. I look upon it that while rents are now being lowered 25 per cent., and the tenants hold that the landlords have been depriving them of their property to that extent, that the position of the landlords in Ireland will yet be justified to this extent, that the tenant right that will be paid with these perpetuity tenures at those reduced rents will be enormous.

1714. Viscount *Hutchinson.*] Let me ask you one question which arises out of that. Of course it is a question of fixing a specified value of a thing that has come under your notice; what does fixing a specified value actually mean; does it mean that that is to be the outside price the tenant is to get from anybody in the market, or merely the outside price the tenant is to get from his landlord?

That means, as I understand it, that if the tenant is quitting, the landlord has the pre-emption at that price.

1715. But he may go into the market and get what he pleases, may he not, supposing the landlord does not wish to buy?

Yes, but that is the tenant right of the holding; and the landlord could claim it at that price if the successor wanted to sell plus any further improvements effected since the tenant's interest was fixed.

1716. So that the tenant in the open market would buy at his peril at a competition price?

Unless there were further improvements executed.

1717. *Chairman.*] Is there any arrangement for facilitating the ascertainment of the measurement of the contents of the land by maps or surveys, or is there anything affixed to the order of the Court?

That is an additional difficulty that we labour under. The originating notice specifies the area of the holding in statute, measure the present rent, the poor law valuation. The first thing to be determined in Court is the area. It occasionally happens that the area is 50 per cent. wrong. I have had myself cases in enclosed mountain land where the area was wrong to that extent in acres, not in value. I had cases tried last week, and the areas were in nearly every case wrong. I went over the land myself, taking a mapper with me, and we carefully marked the boundaries, and those have all been noted, but the originating notices served were altogether wrong.

1718. One can understand a tenant after all not knowing much about the contents, because I suppose he has no access to the Ordnance map, and no one to measure it for him; but what is the difficulty when the landlord has to meet the case, of his ascertaining, as a matter of perfect exactitude, from the Ordnance map, what the contents of the holdings are?

He has to send down upon the ground and have it mapped in upon the Ordnance sheet; then he can do it.

1719. We were told by a witness here that the Ordnance map might be relied upon for all the divisions of a farm?

The Ordnance map has most of the field boundaries upon it, but then it does not define between distinct farms; and when you are in a neighbourhood of mountains, the enclosed lands are not marked at all.

1720. One can understand the difficulty in the case of mountain land, but where that did not exist, would there be any difficulty in the bailiff, or anybody who knows the estate, tracing upon the Ordnance map the boundaries of the holding, and then a skilled person working it out from the Ordnance map by scale?

That is what has to be done, but the labour of that at a time like this is enormous.

1721. I daresay it is, but it is a labour that someone must do, and you can hardly expect the tenant to do it; he would not have the means or skill of doing it?

The schoolmasters who were referred to just now as valuators are as a rule surveyors, and with the Ordnance map in their hands they could very readily do it.

1722. But would the landlords trust to that; would they be satisfied with it?

If that could be lodged and seen, it could be checked, and it would facilitate the business of the Court greatly.

1723. But what would you propose as a cheap and practicable record of the quantities of the farm for the future?

I look upon it that unless this question of mapping is taken into consideration, the confusion for the future will be very serious. When the 15 year periods terminate there will be no maps to show exactly the boundaries of the holdings as they stood.

1724. Suppose this to happen with this right of free sale, suppose there are three conterminous holdings now, and the owner of one of the three purchases the other two; there have been separate statutory periods with regard to each of the three, and having purchased the three, he consolidates them to a greater or less extent, obliterates the fences and so on, then the statutory periods will run out at different times, and what means will there be of finding out which is which holding?

None, according to the present want of system. What I would urge would be that a map should be prepared, let it be at the general expense of landlord and tenant, or in such a way as may be devised and lodged in Court with the originating notice, and with them the statement of claim as to improvements effected.

1725. Are not we going a little too fast about that; you say a map prepared at the joint expense of landlord and tenant, and lodged with the originating notice; the landlord and tenant are not at that time in a state to do anything at their joint expense, are they?

No; let the Court have the power of deciding as to the payment for the map; let the tenant be bound to prepare the map and the landlord have power to check it. Of course I would limit the extent to which you would go, but it will economise matters for the tenant and for the landlord to have a map. I have brought one of the Ordnance sheets with me (*producing the same*).

1726. Is that a six-inch scale?

This is upon a scale of six inches to the mile. The fields are all marked here, and the holdings can be readily marked out. The expense would be only a few shillings, and the saving of litigation in the future would be enormous; that is the way in which Griffith's valuation was worked out for all over Ireland.

1727. Duke of *Marlborough.*] Are these all correct and reliable boundaries?

As a rule they are; it is a marvellously correct survey as a rule.

1728. *Chairman.*] But supposing, before the Sub-Commission decided the case, they had someone attached to their Sub-Commission who could make out a tracing from the Ordnance Survey, and that they appended that to their order as the particulars of what they had adjudicated upon, would not that meet the difficulty?

That would very much meet the difficulty; when an appeal is lodged against the decision of the Sub-Commission the Chief Commissioners write to the landlord at once for a map of the holding, and it is then lodged by him. I have lodged such maps myself, and that so far gets over the difficulty. They are a Court of Record, and that map should be preserved and would be of great value hereafter, but even in that case the improvements for which credit has been given to the tenant are not marked.

1729. We understand that there is no record kept of the improvements which are proved before the Sub-Commission to have been made by the tenants; that is so, is it not?

The Sub-Commissioners take notes of the evidence as it is being offered, such as so many perches of fence, and so many perches of drains; but there is no actual record where those fences or where those drains may be, and it is impossible to say whether those fences may be allowed for a second time.

1730. Would there be anything to prevent the making of a fence to be allowed for as an improvement, and in the next judicial period the levelling of that fence as another improvement?

That is not alone possible, but probable.

1731. Earl of *Pembroke and Montgomery.*] The tenant would not be able to claim on both, would he?

I see nothing to prevent it at different periods.

1732. *Chairman.*] What could prevent it; at present he would say, and say truly, "I have made a certain number of perches of fencing, at so much a perch." You say the Commissioners would allow for that. In the course of the judicial period of 15 years he levels it, and at the end of the 15 years he would say, and say truly, "I have levelled down so many perches of fence, and I claim for that"?

That is the process I referred to as fencing the landlord out of his estate in course of time.

1733. Earl of *Pembroke and Montgomery.*] But surely he would lose the amount of rent taken off on account of the fences that had been put up. The value of that, whatever it was, would be added to the rent at the end of 15 years if it was pulled down?

No; the farm is surveyed as a whole, and, whether it is covered with fences, or whether he has got only a few fences on the whole thing, it is all the same.

1734. Lord *Tyrone.*] There being no record kept, how would the Commissioners know in 15 years on what they had reduced the rent?

They could not know. That is one of the reasons why I urge so strongly that a map should be supplied. In common justice it ought to be so. There should be a record kept of the lands improved. For instance, the Board of Works lend money to landlords to improve their estates; the landlord prepares his maps and plans, submits them to the Board; the Board send out an inspector; and every fence is marked out, every field to be drained is coloured, and the direction in which the drains are to be run are all marked. The Board have the record of that, and we can get that now, and I am in several instances getting it, to show the improvements made by the landlord, else we might be charged upon our own works. I do not see why, with such a very serious question as this is for the landlords in the future, a fair system of mapping could not be devised, and some record kept.

1735. Do you not think it is important to the tenant as well?

I think it is most important to both parties.

1736. Duke of *Marlborough.*] Do you think it would be possible to effect such a system with regard to the 75,000 cases that are lodged, and in prospect of those which are yet to come before the Commissioners?

I think if they progress at the rate at which they are now progressing, that anything would be possible in the way of mapping.

1737. You mean that the time being occupied now would allow of anything in the way of mapping being done?

I think so.

1738. But it would indefinitely enlarge the time necessary to settle all these cases, would it not?

No; that would be a proceeding on the part of the landlord or tenant, as the duty was thrust upon them. The Commission would not be delayed; in fact, time would be saved by the Commission, because disputes as between landlord and tenant in Court would be very much got over.

1739. Would

1739. Would you have the plans prepared, then, before the case comes on for hearing?

Yes. Take the case of a tenant paying 200 *l.* or 300 *l.* a year rent, or even as low as 50 *l.* a year rent, he can get for 2 *s.* 6 *d.* the Ordnance sheet, and for a few shillings a surveyor will mark his fences upon it, and colour the fields drained; and if that is lodged in Court, that is a record that will speak in 15 years. I know nothing else that will do so. The records of the chairman will not speak as regards what particular fences were allowed for. True, that will show that certain fences were allowed for; but what fences were they, or what drains were they?

1740. At present there is the additional difficulty of saying what is the character of the improvements, in the fact that the Commissioners, in giving their decisions, make no statement whatever as to the value at which they assess the improvements?

We know nothing whatever of the course taken by the Commissioners.

1741. *Chairman.*] Do you consider that it would materially assist in bringing about settlements out of Court if the principles on which the Sub-Commissioners were proceeding were known?

It would conduce very largely to settlement out of Court. A great many of us are anxious to settle out of Court, but we do not know the lines upon which they are acting, and we have appealed, in order to endeavour to arrive at a conclusion, and we hope to obtain some further insight into the system in that way, but even there we are met with difficulties, The Chief Commission have a valuator attached to their Court. They have Mr. Gray now, who is a very well-known gentleman, and in whom we all have confidence. He goes down and he values the farm, and he gives a report to the Commissioners. We have not the advantage of cross-examining him or being perfectly certain that he has seen the right farm; mistakes of that sort have occurred before now.

1742. What instructions has he which enable him to find out the right farm?

I do not mean to say that Mr. Gray has ever visited the wrong farm, but others have.

1743. You said just now that it is part of the terms of an appeal that the landlord lodges the map?

Yes.

1744. Surely that is supplied to Mr. Gray?

That is supplied to Mr. Gray.

1745. That must keep him right?

That would keep him right, but we never have an opportunity of cross-examining him; I will give your Lordship an instance in which no map, so far as either landlord or tenant is concerned, is supplied, and where the valuator goes upon the land and makes a return to the county chairman.

1746. Before you pass from Mr. Gray, I want to know your view about him. You say there is no opportunity of cross-examining him; but it is not usual, where a Court refers to an expert for its own information, to expose the expert to cross-examination. The Court selects a man that it has confidence in, and who is supposed to be free from bias towards either party, and if he fulfils those conditions the Court thinks it is the best thing it can do to take his unbiassed opinion; it is not usual to cross-examine a person of that kind?

As far as his unbiassed opinion is concerned, I have not a word to say, but he may not have the full information as regards improvements, and as regards landlord's or tenant's outlay.

1747. First we will speak as regards improvements. What do you understand to be the duties assigned to Mr. Gray?

I would rather not go into Mr. Gray's duties, because I am in ignorance as to what his instructions are; but perhaps I might give an exemplification from a case of the Court of the Chairman of the county of Waterford.

1748. What would that be to show?
The defect I speak of as regards a valuator attached to the Court going out upon the ground without a map from either landlord or tenant, and coming to a conclusion based upon imperfect information.

1749. It is better we should understand how that arose in the county courts. I think we have heard that in the county court the judge himself does not go upon the land; is that so?
He does not go upon the land.

1750. And the judge we have understood, sends some valuer or surveyor upon the land to see it and report to him; is that so?
The chairman of the county of Waterford does so.

1751. Is it peculiar to him, or does that apply to other county courts too?
I understand the chairman of the county Mayo does not do so.

1752. What does he do?
He adjudicates upon evidence.

1753. He takes the evidence alone?
He takes the evidence alone as he hears it in Court, so I am informed and believe.

1754. Then you were referring to a case in Waterford where the chairman sends some one out to see the land?
Yes.

1755. What is your experience about that?
I received last night from Waterford this copy of the report of the valuator in a case which I was interested in in the county of Waterford.

1756. Lord *Tyrone.*] Whose valuator was it?
The county court chairman's valuator; he reports, first of all, particularly as to the area of the farm and the amount of the old rent. In this case it was 260 *l.* 8 *s.*, fixed in the year 1814, and it has not varied since. He reports as to the elevation, aspect, climate, roads, fences, and the soil. He says as to the soil, "On the lower division, above and below the house, a good deep clay loam prevails; but proceeding upwards the soil becomes poor, with moory patches intervening; also a good deal of waste and intractable land is met with on parts of the farm-buildings. 1. Slated, house and extensive offices all one story high. 2. Thatched, offices, the whole in pretty good order, and upwards of 40 years built; other improvements visible. Upwards of 60 acres have lately been thoroughly drained and fenced by the landlord under the provisions of the Land Improvement Act; other improvements alleged, circumstances of draining and subsoiling. The expenditure of the landlord in this case of 300 *l.* under the Land Improvement Act has doubtless laid the foundation of a considerably enhanced value of the farm in future years, should the tenant fully avail himself of it by breaking up the surface and manuring, or otherwise top-dressing heavily, without breaking up; but in my estimate of value I have not taken this expenditure into account, as the existing rent is evidently much too high. The holding is well farmed, and I have seldom seen land better laid down with grass seeds than is to be met with here. Having gone carefully over the property, I consider a fair live-and-let-live rent for the farm would be 210 *l.* a year. The buildings having been erected by the predecessor of the present tenant; I have not taken them into account." Now what I object to there is, first of all, he has stated the expenditure to be 300 *l.* Almost 700 *l.* was so expended. He further states that he excludes the value of the landlord's expenditure from consideration as regards the future rent, because the rent that had been paid was high; and he then constitutes himself the judge as to whom the buildings belong, the fact being that we claim the buildings, and they are ours; so that in three points that gentleman, doing his best, has fallen into error.

1757. What has happened in that case; has it come before the Court?
Not yet; we have appealed.

1758. I thought you said it had not come before the Court?

It has come before the quarter sessions, the chairman's court, and he has adopted his valuator's report. Our appeal has not yet been heard.

1759. He has adopted that valuation?
He has adopted that valuation.

1760. Viscount *Hutchinson.*] Did you bring out those other facts in evidence, that the real expenditure was 800 *l.*, and that the buildings belonged to you?
I did.

1761. And did you establish the fact successfully that the buildings were yours?
I established the fact that the expenditure had been made, and the chairman contested the question about the improvements.

1762. He held against you upon that particular point?
He did.

1763. *Chairman.*] However, that case is under appeal?
That case is under appeal. The reason I mentioned it to your Lordships is this: it shows the system. The valuator goes down behind one's back, without proper information.

1764. That is the system in the county court?
That is the system in the county court referred to, and I dread something of the same kind may prevail in the superior court entirely unintentionally.

1765. Lord *Tyrone.*] Have you ever heard an instance where a part of the tenant's land has been hidden away from the view of the tenant's valuator?
I have. A gentleman can be produced here from whom the tenant sought to conceal the best part of his land, having previously concealed it from his own valuator.

1766. *Chairman.*] You spoke just now about the business of the Court, and we have heard a good deal of evidence about the block in the Court. It has been suggested that that might be met in this way: that where an originating notice was served, the tenant should be called upon to name a valuator, the landlord another, and if they could not appoint an umpire for themselves, that the Commission should appoint one for them, and that in that way a fair rent should be fixed and become an order of the Court. Have you any observation to make upon a proposal of that kind?
In the anxiety to settle out of Court I have known it tried. I know a gentleman, well known to most of the noblemen sitting here, who tried an arbitration in that way, and the rent fixed upon was lower than the tenant had offered him before he entered upon the valuation. I am a little uneasy about the result of that system.

1767. Was there an umpire in that case, or did the two valuators agree?
There was an umpire.

1768. Appointed by whom?
By the two men before they entered upon their duties.

1769. Have you considered the question of the Peasant Proprietary Clauses in the Act?
We are looking to them very anxiously in Ireland now as the one solution of the great difficulty that presses upon us.

1770. Has it come under your notice that those clauses have been acted upon in any case you know of?
Hardly at all.

1771. Have you had any case yourself?
I have had no case myself; on the contrary, when I have spoken with some tenants upon the subject, they have said to me, "The Government are hard taskmasters, and we would rather have our rent reduced, and have the landlord to deal with. If the times were bad we could get a reduction from him." That was said to me on the ground, speaking with tenants.

1772. To what do you attribute the fact that those clauses have not been acted upon as yet; is it that there has not been time, or that there is not the inclination?

I think that where the tenants have gone into court they are so busily occupied with having their rents reduced, that they think of very little else.

1773. Viscount *Hutchinson.*] Do you believe that they look upon this not only possible, but almost certain reduction of rent, with a view to better terms of purchase in the future, or rather, with a view to remaining as they are?

My own impression is, that they would seek to have their rents reduced now as much as possible, and rather trust to the chapter of accidents, unless some further inducement be held out.

1774. *Chairman.*] Do you think the tenants will be disposed to make any actual payment down as part of the terms of purchase?

I think the thrifty classes would, but the proportion of tenants in Ireland unable to do so is very large.

1775. If any arrangement could be made by which the actual payment at present made by the tenant from year to year, which is now called rent, should be made lower, and he could be converted into a purchaser, do you consider that that would meet with favour in their eyes, and that they would adopt any plan of that kind?

I think that there is a large proportion of tenants in Ireland whose rents are so low that they do not expect the Courts could do much for them, and I think that they would enter into such a scheme, and they would thankfully accept that reduction. There is another number who consider their rents are too high and would seek to have them reduced through the Court, and then go in for the further reduction and become peasant proprietors.

1776. Lord *Tyrone.*] The purchase clauses, as they are at present framed, you think entirely unworkable, do you?

Yes, there is no inducement to the tenants to go in; there is no pr esent gain to them by it.

1777. I think I understood you to say just now that the only hope for a solution of the difficulty was in having the purchase clauses enlarged?

That is my impression. If money were lent at $4\frac{1}{4}$ per cent. for 50 years, which is the equivalent of money at 5 per cent. for 35 years, that a 20 years purchase would give a reduction of rent of some 12 or 14 per cent.; I think it is 14 per cent. Then many proprietors are prepared to take security for the fourth that the Government will not advance, at 4 per cent; the two together would give a reduction of about 16 per cent. in the rent, and that I think would be about the greatest inducement that could be held out to a tenant to enter upon this scheme.

1778. Viscount *Hutchinson.*] Did you say that you thought a large portion of the proprietors would be willing to do that?

I did not say a large proportion; I think the number is increasing; I think that a great many proprietors in Ireland feel very uneasy as regards the future. Each 10 years there is a further slice taken off their property, and I know that many are of opinion that it would be well to secure themselves in time.

1779. You think the state of affairs is so bad that there are Irish proprietors who would be willing to leave a quarter of the purchase money out on second mortgage at 4 per cent?

I know it.

1780. Lord *Tyrone.*] Do you think that would be secure?

The one security is this, that the Government would hold the first charge and will recover their debt if anything can be recovered in Ireland, and every pound paid to them is so much increased security to the second incumbrance, and in that way I now think that there is security; at all events the position would be better than the present state of affairs, than which anything can hardly be worse.

1781. Would the chances of sale be improved by a title being given through the Landed Estates Court?

If the title could be simplified and cheapened it would help immensely. That was one great reason why the Church Temporalities Commissioners were able to sell the church land with such great rapidity. They had a title vested in themselves, and had no expense of proving a title, and they sold very rapidly.

1782. Have you any suggestion to make about head rents or tithe rent-charge?
A large extent of land in Ireland is held subject to head rents, and a proprietor cannot sell direct to the occupying tenants where he holds in that way. It would tend to facilitate sale immensely if compulsory powers were taken to purchase up the head rent. The lay rent-charge is also a difficulty in the way, and power should be taken to purchase it up as well.

1783. I think I understood you to say just now that the feeling of the landlord, as regards the future, was very bad?
They are very anxious indeed, both as regards further inroads on their property in the future and there being no guarantee as regards the regular payment of judicial rents in the meantime.

1784. Viscount *Hutchinson.*] With regard to what you were saying just now, you seem to think that the tenants are looking to some reduction under the Sub-Commissioners, and then some further reduction in the way of the rent charge, which they would have to pay in view of becoming peasant proprietors; we have been told on good authority that the practical effect of the Act of 1881 is to remove every purchaser from the market but one; is that your opinion?
Yes.

1785. Then how are we to arrive at the number of years' purchase which is to be the fair price for the land henceforth?
I suppose the landlord must make the best terms he can with his tenants, if there is no competition.

1786. So that whether the rent is high or whether the rent is low, the rate of purchase depends practically upon what the tenant is willing to give?
Certainly. The one difficulty in the way is the question of price. My advice to gentlemen that I am acting as agent for is, sell when you can get a fair price.

1787. Do you see anything to lead you to believe that there will ever be any competition to regulate the price?
No; certainly not. I cannot conceive any person buying an estate in Ireland now.

1788. Except the tenant?
Except the occupier. The influence of the landlord is gone and the prestige connected with the ownership of an estate is all gone.

1789. Marquess of *Salisbury.*] You do not think there is any prospect of landlords laying out money on their estates in Ireland in the future?
Certainly not. I see no inducement whatever to a landlord, except under very special circumstances indeed to lay out money. I think there is an inducement to the tenant; because, while he may benefit himself, the probability is that he will get a reduction of his rent for the money he lays out.

1970. There is no probability of a landlord in future having much inducement to perform those duties which are associated with the position of a landlord in this country?
No. The Act of 1870 tended in that direction, and I suppose it checked improvements to the extent of 3,000 *l.* a year that were being laid out by me. The Act of 1881 has completely dried up those sources.

1791. And therefore the landlord is for all public purposes only a rent-charger?
Only a rent-charger, at a rent fixed by a third party.

1792. It would be a more wholesome state of things for properties with heavy rent-charges over them all over Ireland that the rent-charges should come to a termination at a fixed period, and that proprietors, large or small, should exist, enjoying the whole revenue of their property?
Your Lordship refers to the occupiers?

 1793. Yes?

1793. Yes?
Certainly.

1794. And that the title should be simplified, and that the occupier become the landlord?
That is the only hope I see of an early settlement before the country.

1795. Duke of *Somerset.*] You said the only hope for Ireland, you thought, was for the whole of the occupiers to become the owners of the property, as I understood you?
I should say that it is tending in that direction rapidly.

1796. Supposing a tenant purchases his holding, he becomes the landowner; then supposing he wishes, or is obliged by ill health or any other circumstance, to leave the country and to let the holding, then he loses the property of his holding, and falls into the condition that a landlord in Ireland is now in.
If I am asked to express an opinion upon that question, I rather think that in 50 years there will be another land question in Ireland, more particularly in the poverty-stricken province of Connaught, which will be more serious than the present one, that is that rack-rents of the most alarming kinds will probably be found fixed by the landowners of that day upon "future tenants," who will have no redress under the Act of 1881.

1797. Viscount *Hutchinson.*] The position of the tenant in that case, supposing a new class of landlord were created, would be different, in that he would be the future tenant?
He would at the full rent exacted from him.

1798. Lord *Brabourne.*] Your opinion goes to this, that the operation of the Act has been to drive capital from Ireland, and to prevent the likelikood of its being employed, or, at all events, applied to the development of the resources of Irish land?
That is my experience.

1799. Duke of *Marlborough.*] Do I understand you to say, in reference to the question put to you by the noble Duke on my right, that in the event of an occupying tenant becoming the owner by purchase of his holding, and if he did not choose to continue to occupy the whole of that holding, but let it out in small portions, he could then let it out at rack rents, uncontrolled by the existing Act of Parliament?
Undoubtedly when he has become the owner, free from any claim of the Government, he can do so.

1800. Earl of *Pembroke and Montgomery.*] The present Act, I believe, makes a special provision by which the present tenants will have future tenants, and the landlord will be able to exact from them whatever rent he likes?
When they become owners they may do so.

1801. Duke of *Marlborough.*] In that form, you think, if the present land question is solved, there will be another in the way of a new tenant proprietor created?
I fully expect so to a very large extent.

1802. Lord *Tyrone.*] What is your opinion of the effect of the Act upon the Irish people generally?
Excluding Ulster, which is a district entirely different to the rest of Ireland, it has excited the people to the most remarkable extent as against the landed interest, and so far it has in no way quieted matters; on the contrary, I think the tendency is otherwise, more particularly in such counties as Tipperary, which is very bad indeed at the present moment.

1803. Has it prompted idleness, as one of the witnesses before gave us to understand?
I am sorry to say that the general conclusion is that it has done so. I made a calculation the other day; in every one of the Sub-Commission Courts there are 250 or 300 farmers attending; there are twelve of those Courts sitting, say three days a week, which means 3,000 farmers for those days looking after litigation instead of looking after their farms.

1804. What

1804. What is your experience as regards the adjudication of the Commissioners upon a farm in good order and a farm run out?

I had a case in Cavan lately, before the chairman of the county, a farm in good condition was reduced very little indeed; a farm in inferior condition, badly worked, was reduced about 30 per cent.; the decision was a just one; the rent upon the good farm was low, but the conclusion that the people have come to is this: in order to have your rent reduced, have your land looking badly, and exhaust it before the Commissioners come out; and the report I have received from that estate is that the tenants have commenced operations.

1805. Marquess of *Salisbury*.] Commenced to deteriorate their farms, do you mean?

Commenced to plough with the view of overcropping and taking a good deal out of the soil, and we contemplate that in the future, towards the end of the 15 years' statutory period preparations will be made to have the farms in a good condition for valuing.

1806. Earl of *Pembroke and Montgomery*.] Do not counsel for the landlords ever object to statutory terms being granted to farms in such a condition as that?

They may object, but there is no power to prevent it.

1807. Lord *Tyrone*.] Have you any experience of a chairman raising the rent when he has been asked to fix a fair rent?

I have recent experience of a case in which we expected the rents would have been reduced, but when the cases were gone into, it turned out that the Commission felt compelled to raise them; and at the close of the case, the Chairman in open court appealed to the landlord and said: "In this case, does the landlord wish for an increase of his rent"? We felt that to be a very unfair onus thrust upon us as representing the landlord, because the Chairman, as we considered, held his position there, and the Commissioners with him, to fix a fair rent. It does not mean necessarily a lower rent. It means a fair rent. He appealed in that way, and we said truly that we had no instructions, and he asked us then to communicate with the landlord; we have done so, and the landlord has written to say "You have undertaken to fix a fair rent; I wish you to do it."

1808. Marquess of *Salisbury*.] Has that decision hung up all this time?

The decision is being given this week. It was last week the case was heard.

1809. Then after they had up made their minds as to what the right value was, they asked you whether you wished it or not?

After they had made up their minds that they must increase the rent, the chairman then said, "Is it the wish of the landlords that these rents should be raised?"

1810. Does he in analogous cases of giving up rights, ask the tenant whether it is his wish that it should be reduced?

I have not heard of that, but that is what one would expect if the principle were carried out fairly.

1811. Lord *Tyrone*.] What is your opinion of the effect on the country generally of the Land Bill, as regards collecting rents?

The state was very bad before the Land Act was passed, and in the southern counties it is worse now. I have cases myself where for nearly two years not a fraction of rent has been received, in one where the owners (two ladies) have had to let their house. One of them has taken a situation; they are living with their friends. The tenants had their farms at low rents. We took proceedings and sold out some of the farms. Our means are exhausted, but we have got some friends to take up the case, and they are proceeding now to evict the tenants; but we can get no rent. The tenants, owing to the passing of this Act, feel that so much has been given to agitation that the conclusion is that agitation has paid uncommonly well, and is likely to pay better. That is the conclusion that is forced upon us.

1812. You have heard that the Commissioners are likely to be transferred

from the counties in which they have been acting up to the present time, have you not?

I have heard so. I had a conversation recently with one of the Sub-Commissioners on the subject, and agreed with him in the view he put before me that it would be a pity that the proposed change should be carried out, because they had learned their district; they knew the different classes of lands, they had learned the valuators who were produced as witnesses; they knew the men to whose evidence to give weight, and they knew the men whose evidence should be rejected, and on the whole the conclusion I came to was, that it would be a pity to transfer them.

1813. You would have to bring a fresh set of men who did not know the county, and did not know the different classes of holdings in the district?

They would be entirely ignorant of the whole of it; they would have to learn up the whole question.

1814. Therefore, it is your opinion that it would be better, if possible, to keep the Sub-Commissioners in the districts in which they have been working?

Certainly, for the present, I am satisfied it would be so.

1815. Duke of *Marlborough.*] On the question of expense, have you formed any idea as to what is the average cost of each case to a landlord coming into court?

In the cases I have had, the average is somewhere about 10 *l.* to 15 *l.*

1816. I see in the list before me 23 cases of one landlord; do you suppose there would be an expense of 10 *l.* to 15 *l.* in each of those cases; these were the cases of James Shiel?

I should say where there is a number of cases the expense is smaller, perhaps about 5 *l.* or 6 *l.*

1817. What would you suppose the expenses to the tenant would be?

Of course his expenses are large in proportion to his means, but they are very small. A small sum satisfies a valuator for him, and all his brother tenants are volunteers.

1818. Then the expense to the tenant is not considerable?

The expense to the tenant, I should say, is small. Of course I have no practical experience.

1819. What would be the expense when the case is appealed against; would the expense to the tenant be considerable there?

Yes, considerably more so than in the Court of First Instance.

1820. Viscount *Hutchinson.*] We were told here the other day, that the tenants contract with the solicitor to do their cases at so much a head; is that your experience?

I believe that is so when there are many cases.

1821. Duke of *Marlborough.*] But it would increase the expense to the tenant very much, would it not, if the case were appealed against?

Yes, that is so, but the Appeal Court travel about to different places to lessen that expense as far as practicable.

1822. Duke of *Norfolk.*] Can you tell at all what sort of expense the tenant would be put to in that case?

I have no practical experience of that.

1823. Lord *Tyrone.*] Will you state what you know about the Board of Works loans?

Under the recent Land Act there is power given to lend money direct to the tenants, but the facilities are not great that are afforded them. For instance, a proprietor can get money to drain his land, or to build upon it, at 5 per cent., which pays off principal and interest in 35 years. The tenants must take it for the shorter period of 22 years at 6½ per cent. That checks very much the taking of money by the tenant, and is a serious difficulty

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in the way. Another difficulty is, that they must have two solvent securities for the repayment of the money. I merely wish to mention those as difficulties, and I think it a pity if they cannot be overcome.

1824. *Chairman.*] Another difficulty has been mentioned, namely, that they will not advance less than 100*l.* I do not know whether you have found that to be so?

Yes, that is so.

1825. Do small holders complain of that?

Yes; the landlord can get a sum as low as 100*l.*, and if that be so, the tenant ought certainly to be able to get a sum as low as 50*l.*

The Witness is directed to withdraw.

*Ordered,* That this Committee be adjourned to Tuesday next, at Twelve o'clock.

# *Die Martis*, 21° *Martii*, 1882.

LORDS PRESENT:

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|---|---|
| Duke of NORFOLK. | Earl CAIRNS. |
| Duke of SOMERSET. | Viscount HUTCHINSON. |
| Marquess of SALISBURY. | Lord TYRONE. |
| Marquess of ABERCORN. | Lord KENRY. |
| Earl of PEMBROKE and MONTGOMERY. | Lord PENZANCE. |
| Earl STANHOPE. | Lord BRABOURNE. |

THE EARL CAIRNS, IN THE CHAIR.

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MR. MURROUGH O'BRIEN, is called in; and Examined, as follows:

1826. *Chairman.*] You held office, we understand, for many years under the Church Commission?
For 9 or 10 years.

1827. What was your office under the Church Commission?
I was called inspector of estates. My duty was to value the church properties for the purpose of offering them to the tenants.

1828. You valued the church properties for the purpose of selling them to the tenants?
Yes, a large part of them.

1829. May I ask you what was your profession before you were an officer of the Church Commission?
I was trained in a land agent's office for two years in Ireland, the office of the Marquess of Lansdowne's agent. Before that I had been in New Zealand and America.

1830. What is your office at present in the Land Commissioners Court?
I am called their Chief Agent, and my business is the superintendence of Part 5 of the Land Act, which deals with the sale of lands to tenants, and with emigration.

1831. That is what is popularly called the Purchase Department, I think?
Yes.

1832. And have you also been appointed, or have you acted as valuator to the Land Commissioners?
I visited a few of the rent appeal cases.

1833. About judicial rents?
Yes; but only a very few. My principal duty is the superintendence of the sales; in fact that is my whole duty now.

1834. Your office would not be styled that of valuator?
No.

1835. And I believe you have given evidence before several Commissions with regard to the working of the Church Temporalities Act, and the sales under it?

I was examined at length by the Committee of the House of Commons in 1878, and I gave evidence shortly to the Richmond and the Bessborough Commissions.

1836. In your department of the Land Commission Court what staff is connected with it?

The staff at present in that department consists of myself; an assistant who also goes to the country, and values estates and reports upon them.

1837. What is his name?

Neville Stewart. There is also a clerk who conducts the correspondence, and there is a surveyor who surveys when necessary, and superintends the execution of the maps upon the conveyances.

1838. You are the head of that department?

I am.

1839. Then are the forms and instructions issued by that department prepared or revised by you?

They were not prepared by me. I was asked to make some suggestions in the course of their preparation; but beyond doing that I did not prepare them.

1840. I think we saw certain forms, A. and B. Those were, I suppose, revised by you before they were sent out?

I prepared one form of instructions to tenants as to the terms upon which they can obtain advances; and if you will allow me I will hand that in. That is one of the papers your Lordships have had before you, revised and enlarged; it contains the substance of one of them with considerable additions.

1841. When was this issued?

I could not tell you the exact date. It was when the other circular, marked B, went out of print; we wanted more copies and thought it advisable to enlarge them.

1842. Then this is the present form?

Yes. (*Document handed in.*)

1843. Before we go to the question of Part 5, may I ask you if you have had any experience, or observed at all, the working of the Act as to the fixing of judicial rents?

I have taken an interest in it, but beyond reading the accounts of the proceedings in the press, I have had very little opportunity of seeing anything of the working of that part of the Act; except with regard to the very few cases which I visited for the purposes of the appeals. I may say I visited those with Mr. Grey, who is the valuer employed by the Commissioners to visit the places before the hearing of appeals.

1844. Did you value along with Mr. Grey, or separately, in the cases in which you valued?

Mr. Grey and I visited the farms together; we made up our valuation separately. If we agreed, we presented a joint report; if we disagreed, we presented separate reports.

1845. In part of your evidence before some of the Commissions you have referred to, you point out that one of the great difficulties in valuing is how to deal with the question of tenants' improvements?

I think that is an insuperable difficulty to the question of fixing a fair rent, not to the question of valuing.

1846. Your correction is quite right; I meant for the purpose of fixing a fair rent?

A valuer, I think, can only give his opinion of the value of the land as it stands; he cannot eliminate improvements or works of any kind that have been embodied in and form part of the soil, nor can he discern and estimate the extent to which deterioration may have taken place.

1847. He

1847. He takes the thing as a whole as it stands, no matter who made the improvements?

I think that is all a valuer can do. Valuers profess to do otherwise; but I do not think it is possible to do so satisfactorily.

1848. I suppose I may assume that, for the purpose of valuation, the value is exactly the same whether the improvement is made by the tenant or by the landlord?

Certainly; I think the valuation should be independent of that, and that the question of a fair rent, or any tenant's interest, should be decided quite apart from that.

1849. Do you think it is an obstacle in the way of the two parties who are in controversy for the purpose of fixing a fair rent, that the tenant who claims to have a fair rent fixed is not called upon to state beforehand what improvements he claims to have made?

I do not think I can give you a satisfactory opinion upon that point; of course it would tend to the elucidation of truth that the tenant should specify fully all the improvements that he has made; and, as far as I understand the practice of the Court, on the requisition of the landlord's solicitor, tenants have been ordered to furnish particulars of the improvements which they alleged they had effected. In fact, I know an order was made to that effect in one case in the County Antrim.

1850. But putting aside the question of a special order being made, do you think that a landlord can adequately be prepared to meet the case which will be presented in Court, if he does not know beforehand what improvements the tenant will claim to have made?

No; I should say certainly that either side should be furnished beforehand with the particulars of the claim and of the defence to the claim.

1851. We understand that it may be possible on making an application or notice to the Court in Dublin, supporting it by affidavit and instructing solicitor and counsel for the purpose, to obtain an order on the tenant to give those particulars, the landlord bearing his costs of the application. Do you think it is desirable that that expense and delay should be incurred in order to obtain what you very properly say is a necessary piece of information for the landlord to have?

I think it would add enormously to the expense of getting up the tenant's case, and would be a serious embarrassment to the tenants. Of course, many of the tenants are illiterate men, and it would be necessary, if they had to present a schedule of the particulars of the improvements which they had effected, that they should employ a skilful and competent surveyor, and it would add so much to the expense of their cases that I think it would deter many of them from going into Court.

1852. But I suppose, if the landlord applies to the Court for an order, and the Court makes the order, the expense must be incurred then by the tenant, and incurred in a more serious way?

The expense would have to be incurred, of course, but not in a more serious way. If a tenant was obliged to furnish such a statement of particulars as your Lordship speaks of, it would involve the measurement of almost every field; it would involve the measurement of all drains effected, and of the buildings, and an estimation of the amount of work done in the way of subsoiling or removal of stones; and that could not be done by him without very great expense.

1853. I suppose the tenant must do that at some time, if he is to make a claim upon it?

I am not very conversant with the way in which these rent suits are conducted; but what I imagine is the case, is that the tenant produces his witness, who has not to state all these things in a formal way on paper, but in a urt; and is subject to cross-examination, and the evidence is tested then by covisit of the Sub-Commissioners to the place. That, of course, is a much less expen-

sive proceeding than the one you suggest, and which would be more satisfactory if practicable.

1854. I suppose the tenant knows, or is assumed to know, his own case, and what improvements he claims to have made?

There is a great difference between a man knowing the improvements that have been effected, and his putting them on paper in such a form as would be necessary to file them in Court.

1855. What I wanted to find out was your view as to the comparative expense. You say very fairly that an order might be obtained in Dublin. The landlord applies to the Court in Dublin, and the order of course must be made on notice to the tenant. The tenant either ought to appear or may appear by his advisers in the Court in Dublin. Then the order is made; then the order has to be complied with, and the tenant has then to put on paper either with such advice as he may require, or without it, what the order requires him to state. Now, when all that is done, will the tenant have been put to greater or less expense than if he stated it in the first instance?

I should say that he would have been put to about the same expense. I am not aware of an application having been made to the Court, except in one instance, to compel the tenants to do that. It was given at once, and I do not know the nature of the order or whether it compelled the tenants to specify the improvements in detail giving the quantities (which would be an important thing), or merely to state generally what they had done, or what they alleged they had done.

1856. Marquess of *Salisbury.*] But you stated that the tenant's evidence would be sufficient to indicate the improvements; is it sufficient in itself without correction to determine whether he is the author of those improvements, or that it is at his cost that those improvements have been made?

The evidence of the tenant and his witnesses is of course tested, and subject to cross-examination.

1857. But mere cross-examination is of little use to correct evidence, unless there are facts and counter-evidence on which to base the cross-examination. How are those to be produced, unless the landlord has notice of the claim that is to be made?

I do not know how they can be produced satisfactorily, but no doubt they are produced. The landlord or his agent is conversant with the facts of each farm, or ought to be.

1858. The evidence before us is that they are not produced, and that they are not produced because the landlord has not notice enough; do you think that that is a just state of things?

I should not think it was just if the landlord could not do it; but I should assume that the landlord or his agent would be perfectly conversant with the condition of the farm, that if it was alleged that such and such improvements existed, he would probably know more satisfactorily than the tenant, because he would have his estate accounts to refer to, to ascertain whether any of those improvements had been effected at the cost of the landlord.

1859. *Chairman.*] That to be so if the landlord were resident on the farm, or if his agent were always the same person; but assume the present owner, and the present agent, to be altogether different to those who were in existence when the improvements were made; suppose they know the present state of the farm quite well, but do not know the history of it, how are they to be prepared with evidence about that history, unless they know the case that is going to be set up?

I do not think that it is a perfectly satisfactory state of thing; but you must remember that the tenant is exactly in the same embarrassment. He may not have lived upon the farm always, he may have bought it, and not know in detail what improvements were effected by his predecessors. He may know nothing but the sum of money he paid for the farm, though I believe he would have inherited any rights in the improvements effected by his predecessors.

1860. Does it not strike you that the difference between the two is this; the tenant has some weeks to inform himself of the history, and to set up such case as he considers he can set up, and to prepare the evidence to support it. During all that time he, we will assume as you do, is equally ignorant of the antecedents of the farm; he does not in the least know what the case is that is going to be set up, and is not able to supply himself with any evidence to meet the case that is going to be set up?

I think that the ends of justice would be served by the landlord, when he receives the originating notice to fix a fair rent, having the farm examined by a competent surveyor or valuer. He would, of course, have in his estate accounts (which he would have whether his agent were formerly the same person as he has at present or not) record of any moneys spent upon the farm; that is to say, in cases where estate accounts are regularly kept.

1861. Lord *Penzance.*] Are you aware whether the Commissions act on the evidence of those estate accounts, or whether they reject it?

I have had very little to do, I may say nothing to do, with the settlement of fair rents before the Sub-Commissions; but I have no doubt they receive any evidence that is tendered to them.

1862. You may, or may not, be aware that they may not be legal evidence, although the person that made the entries in those books has ceased to be agent, but is still alive; are you aware whether the Commsssioners have taken that view and rejected the evidence?

I do not know at all. I merely refer to the estate accounts as furnishing material to the landlord, who sends a valuer or surveyor to value his holdings which are the subject of dispute, upon which to give instructions as to what points the surveyor should attend to.

1863. *Chairman.*] Speaking of the management of estates and estate accounts, that may or may not apply to very large properties continuously held; but I suppose there are a considerable number of small properties where there is no regular estate office and where there are no estate books kept?

In small estates I should think there are probably no accounts kept.

1864. Suppose a property sold in the Encumbered Estates Courts, we understand that the purchaser comes in without any paper or account whatever relating to the previous history of the estate; is not that so?

That is frequently the case.

1865. Is it not always the case in the Encumbered Estates Court that nothing whatever is handed to the purchaser except the small piece of paper which declares his title?

Certainly in such cases the landlord would be ignorant of the history of the property.

1866. Going beyond that I should like to ask you this also. Of course if everything is fairly and honestly conducted, you may say that no case will be set up by a tenant except one consistent with the facts, and that the facts, perhaps, might be ascertained. Suppose a tenant sets up a case at the trial which is unfounded; how is the landlord then to be prepared with evidence to meet that?

I really do not know how he is to be prepared to meet that beyond the facility there is in courts of law for always meeting unfounded claims.

1867. But in courts of law there always is a facility, and that is exactly what we are coming to, from the circumstance that beforehand the party is obliged to state what the case is that he is going to prove?

It is merely a question of whether it should be stated beforehand or at the time of the trial. I think, as I have said before, that it would be better if particulars could be furnished beforehand; on the other hand, I think it would be impossible for tenants generally to furnish them owing to the very great expense. I might also say that I think it would be very difficult for tenants as a rule to prove expenditure on their part in the way of improvements.

1868. We are not at present upon the question of proof; it is upon the ques-

tion of the statement of what they are going to prove. What I wanted to ask you was the expense you consider to be connected with that statement?

The expense would be that of a competent surveyor and valuer, who should visit the farm, value it, measure any improvements, and set those down upon paper.

1869. Lord *Penzance.*] If the tenant himself when he comes into Court is able, and as you look upon it he is, to state what the improvements are, why cannot he make out the list of those improvements without the assistance of a valuer?

It is necessary in lodging a schedule or statement of particulars of that kind, that it shall be done in a formal and intelligible manner upon paper, and an illiterate farmer would be quite unable to do anything of the kind, and he could not dispense with professional assistance.

1870. Does not that point to this, that any such schedule ought not to be required in any very formal and particular way, but in a natural way, in the same way as he would give his evidence in the witness-box; that would be quite enough to inform the landlord, would it not; might it not be done in that way?

I still think that evidence that can be given verbally cannot be given by an illiterate man on paper.

1871. *Chairman.*] What would the difficulty be in doing this; you say the case must be proved, when it comes to the proof, by a valuer who will make the calculations, and come and state them in the witness-box. He must, therefore, have gone over the land beforehand, and have seen it; what would be the difficulty of his doing so, and putting down on paper what he has seen and is prepared to prove as regards the amount of improvements and the tenant supplying them?

There would be no difficulty whatever in his doing it; but I think there would be a difficulty in his doing it satisfactorily. In case of compulsory purchase all claimants have to go to very great expense in employing professional men to get up their case; and it would be necessary for a tenant to do exactly the same.

1872. I understood you to say the tenant must do that before the trial; he must have a person of that kind prepared to give evidence on the occasion of the trial?

I do not know whether his own statement verbally of the facts and alleged improvements is sufficient, or whether that is corroborated usually by other witnesses, it may be perhaps by his neighbours, who are equally illiterate, and who give their services to him for nothing; but I am quite sure that if such a statement of particulars had to be lodged in Court, it could not be done without the help of a professional witness, and I have known many tenants already have found themselves unable to obtain professional witnesses because of the great expense attendant upon their employment.

1873. Then, is it your opinion that it conduces to arriving at the truth to dispense with that statement, in some shape or other beforehand, which alone, I think you admit, would enable the truth to be examined into and tested?

I do not think that it alone is necessary to the ascertainment of truth. I think it would be a material assistance, but I may say, I think, that the settlement of a fair rent, and the elimination of tenants' improvements from the value of the land, is a most difficult thing, and cannot be satisfactorily, or I believe justly, done.

1874. Lord *Tyrone.*] Do you mean that it cannot be done under any circumstances?

I merely mean that, as a general principle, it is most difficult and unsatisfactory.

1875. Then the action of the Sub-Commissioners, I take it, must be difficult and unsatisfactory, if it is so in all cases?

I only speak for myself; I should find a very great difficulty. Whether the action

action of the Sub-Commissioners is satisfactory or not I have no means of judging.

1876. But you would find it very difficult to carry out that work satisfactorily?
I would.

1877. Marquess of *Abercorn.*] You say you think it would be unfair to the tenant to insist upon his sending notice of his improvements on account of the expense which it would cost him in having a valuator; but is it not more unfair and unjust to the landlord, who may have 500 cases to meet, that in each case he should have to be put to the expense of a valuator in order to rebut evidence which he has never heard of, or known of?
I am not sure that I said it would be unfair. I said the expense would be so great as to deter many tenants going into Court if they were obliged to incur that as a preliminary expense.

1878. Lord *Kenry.*] The great expense would only be incurred if the tenant was required to enter into minute particulars. If he was required to make a general statement of the improvements he claimed, such as such and such house; such and such drains; the expense would not be very great, would it?
It would not be very great.

1879. Earl of *Pembroke and Montgomery.*] And it would be quite sufficient for the landlord, would it not?
I do not know; I do not see how he could meet the case satisfactorily unless he was furnished with particulars which he could have tested by re-measurement and re-estimation, of course.

1880. Lord *Kenry.*] At any rate the landlord would know what particulars he would have to get up for his own case?
I think when the landlord is served with an originating notice, if he has the farm examined by a competent valuer, that he then has all the materials to meet the case made in Court.

1881. For the whole farm?
For the whole farm.

1882. Then he would be saved great expense if he knew he was only required to meet the case, as regards a particular portion of the farm?
I do not think it would make any material difference.

1883. *Chairman.*] Suppose a landlord was served with 50 notices upon his estate, as you say, no information is given to him and he must be prepared by being ready with every information about the estate to meet any case that is presented; he must have a careful inspection and valuation over every part of the 50 holdings. Suppose the tenants on the other hand had stated what they were going to prove, he might say I am satisfied with that and have nothing to object to; in the case I have supposed, is not the landlord put to very great and unnecessary expense?
I do not think he is put to so much expense as the tenants, because the landlord generally, or his agent, have an acquaintance with the farms and their condition, or they ought to have, but I admit that the whole question of fixing rents is, to my mind, very unsatisfactory and difficult to effect with justice.

1884. Lord *Penzance.*] May I ask whether, in the answers you have been giving upon this question of notice to the landlord, you are speaking of any experience you have had in the matter, or have you had no experience?
I have had no experience whatever of the action of the Sub-Commissioners.

1885. *Chairman.*] You told us, I think, that you had valued for the purpose of the Commissioners on appeal?
Yes, I visited some places.

1886. In how many cases, may I ask, did you value?
I suppose, 20 or 30.

1887. And did you receive any particular instructions as to how to conduct the valuation, or were you allowed to do it according to your own judgment?

I had no instructions beyond those that I gathered indirectly from conversation with the Commissioners. I gave the Commissioners an explanatory report with the figures that I lodged.

1888. Do you mean after you had valued?

After I had valued the farms so as to enable them to judge of the way in which those figures should be applied. If you will allow me, I will read the report to you.

1889. Will you please read any part you think material with reference to the question?

It applies to the question which you have asked as to how the valuation could be made. This was on the appeals in the county of Limerick. "Explanatory Report.—In order to prevent any misapprehension I wish to add a short explanation to my reports. The sums named by me are not intended to represent my opinion of what may represent 'fair rents' under the Land Law. They are what I consider would be the fair rents of the various holdings if they were now to be let in their present condition at rents fixed for 15 years, the landlord paying one-half the poor rate, but no other taxes, and the tenant being liable for the maintenance of the fences, buildings, and other farm equipments. I have indicated improvements and deterioration where they were evident, but have made no allowance one way or the other for these. I have valued each farm as I found it, and in my opinion, no valuer can do anything else. To estimate the value of land as it might have been at any previous time or in some other condition is, in my opinion, an impossibility. The appearance of land affords no reliable indication of what it may have been at any past time, since which, deterioration or improvement may have taken place; nor can a valuer make any allowance for the work and outlay which have led to the present condition of land without having a truthful description and valuation of the land in its former condition, and a specification of the works since effected, and their cost. In the same way, deterioration cannot be discerned or estimated by mere inspection. For example, in the case of land where the common improvements of drainage and removal of stones have taken place, the surface of the land does not differ from that which is permanently dry, or where there have been no stones to remove. The only indication of drainage is the outlet with running water, but this may be a single drain from one wet spot, or may be the outfall of scores of drains. Where stones have been removed they may have been few in number and easily removed without expense in the ordinary course of cultivation, or they may have been numerous and so large as only to have been removable by blasting or other expensive processes. They may have been piled up into the fences where they are visible, or buried out of sight in drains and holes, or carted away altogether. Inspection will not enable anyone to determine when improvements were effected or when deterioration commenced. With respect to farm buildings, where the holdings are small and the houses thatched and bad, they do not, in my opinion, add to the letting value. If not substantially built, the cost of their maintenance would exceed any value they confer on the holding, though to a tenant with no other residence they are as much a necessity as his clothes or food. A farm cannot be cultivated to the best advantage if the residence of the tenant and his offices are insufficient or ruinous. On the other hand the buildings on a farm may be more than sufficient for its cultivation. In such a case the value conferred by the buildings is not commensurate with their cost, nor can it be measured at any fixed rate of interest on the cost of the buildings. Among the holdings valued in the Limerick district there are cases where the farm buildings are more than sufficient for the farm, as well as cases where they are quite insufficient. The above remarks will explain the view I have taken in these cases, and with respect to drainage and other apparent improvements on the farms I have valued."

1890. Then,

1890. Then, do I understand that on those occasions when you valued you valued the holding as it stood, without making any distinction or any deduction in respect to improvements?
Certainly.

1891. How were the improvements dealt with, and by whom?
The improvements are dealt with, I suppose, on the evidence.

1892. You took no responsibility as to that upon your evidence?
I had no power to take any evidence whatever on the point.

1893. In fact you would not have had the materials to discriminate between improvements made by the landlord, and improvements made by tenants?
Certainly not.

1894. Marquess of *Salisbury.*] You say that houses would not add to the letting value of the farm; do you mean by that that you gave no return as to the cost which, in your judgment, such improvements might represent?
I may have put down the figures where there were substantial buildings which, in my opinion, it would have cost to erect those buildings; but I did not value the buildings apart from the land. I took the farm as a whole, and gave my estimate of it as its present letting value, if it were now to be let for 15 years.

1895. You aided the Commissioners to the best of your power in striking the principal sum; but you gave no aid in striking the deductions that are necessary before a fair rent can be arrived at?
No.

1896. *Chairman.*] The question of who made the improvements, you say, would be dealt with upon the evidence, and that would materially be the case; evidence would tell you, of course, who made the improvements, and, if necessary, also what the improvements cost; but who was it who valued the value of the improvements at the time of the adjudication of the fair rent?
The report I have read refer to cases, the appeals as to which have not yet been heard.

1897. Marquess of *Salisbury.*] In none of the cases for which you have valued have the appeals been heard, do you say?
Yes, in Belfast. I have valued some of the cases in the Belfast district where the appeals have been decided.

1898. *Chairman.*] We had better confine our attention to cases which have been decided, lest it might be supposed we were interfering with cases which were *sub judice*?
I presented a shorter report in explanation of my valuations in Belfast.

1899. I do not wish to trouble you with it, unless it is something different. If it is to the same effect as the other; one will be sufficient?
It is to the same effect.

1900. What we understand takes place is this: there are two elements in arriving at a fair rent. There is, as you say, what is the value of the holding as it stands, without reference to who made the improvements; what is the whole worth; then from that there is to be a deduction made in respect of improvements made by the tenant; he is not to pay rent for those. We understand that in order to make that deduction, the value of the improvements at the time of adjudication is to be arrived at. Now, in the cases to which you refer, and in which you were concerned, are you aware how the value of the improvements at the time of the adjudication was arrived at; of course, if you are not aware of it, you cannot answer the question?
I am not aware; I presume it would have been settled by the evidence.

1901. Earl *Stanhope.*] Do you value a farm as a whole, or do you make a field-to-field valuation?
I may say I do both one and the other; I form a general opinion of the farm

from its appearance, but I think it is also necessary to go into details if the land differs in quality; there are so many acres of one quality, and so many acres of another, and I presume that is what your Lordship means.

1902. I also want to know whether in your report you give it in detail? No.

1903. *Chairman.*] Before we leave that subject, let me ask you, are you aware that under the Act of 1870, when a tenant made a claim in respect of improvements he was obliged to specify in detail a certain length of time beforehand what the improvements were, and their nature, and the time that they were effected?

No, I was not aware of the practice; I have never had any contentious practice under the Land Act of 1870.

1904. It has been stated to us on authority from the Commissioners' Office, that in the first instance the Sub-Commissioners were required, in the forms issued to them, not merely to give their opinion as to the fair judicial rent, but also to state as a separate matter the value which they assign to the tenant's improvement, and that in practice that was not done. Do you consider that it would be a valuable fact to have ascertained, and recorded, what the value of the tenant's improvements was?

That is a subject which I may say I have not considered at all; that is to say, the form in which the Sub-Commissioners should furnish their decisions. I have no doubt it would be valuable and interesting to have all the grounds in detail, which lead them to the fixing of a fair rent, but whether that is practicable or not I do not know.

1905. Independently of any knowledge you have of the action of the Sub-Commissioners, and with reference to your general acquaintance with the Land Question in Ireland, do you think that the settlement of fair rents over the country is or is not likely to become itself an ingredient in the future valuation of Ireland?

In the valuation for rating, do you mean?

1906. For any purpose, or for rating, and statistical purposes of every kind?

I do not think it should be, because the fair rent fixed only indicates a part of the value. Outside that there is the tenant's interest, which in some cases largely exceeds that of the landlord; that is to say, as tested by the market value.

1907. Of course we should probably be quite agreed, that it would not be a correct test of the value taken alone; but does it not occur to you that there is some danger that it may insensibly become so?

I do not know that there is any danger of its becoming so; but I certainly think it should not be taken as any indication of the value of the land in Ireland as compared with England, or as a basis for rating. It would be desirable for the purpose of rating that we should have a valuation based upon the English principle, of what is the rack-rent value; that should be the value for rating.

1908. When you use the term "rack-rent," what do you mean; do you mean the landlord or tenant's interests put together?

The market rent of the farm, as a whole, unembarrassed by any question of landlord's or tenant's interests. That should be the value for rating; and I think the Irish system of valuation, which is conducted on a principle quite different from the English system, is responsible for a great deal of the difficulty that exists about the value of land in Ireland; it is made upon a principle which I believe to be very unjust and impossible to carry out properly, and it has now been taken as a guide to the value for rent, value for sale, and the value for every purpose, whereas it is entirely unreliable.

1909. Lord *Brabourne.*] You used the expression just now, "as tested by the market value," as far as the landlord's interest is concerned, there is no market value for that just now, is there; he is deprived of his market, is he not?

That is so; that is to say, he can no longer let land by competition if there are tenants upon it.

1910. Putting it in other words, he can no longer ascertain the market value of the property he has to dispose of by testing it in open market?

Certainly not.

1911. *Chairman.*] Then, taking your definition of rack-rent value to mean the market value, how will the market value for the future be ascertained?

I presume there will be a sufficient number of cases in the country of lands being let unembarrassed by any tenant's interests to serve as a guide.

1912. Marquess of *Salisbury.*] Where will they come from?

Landlords may have lands in hand; they may have lands unembarrassed with tenant's interest.

1913. Are you aware that a tenant coming on to land not now let, in the first 15 years comes on as a present tenant under the Act?

With no limitation as to rent.

1914. The present tenant may go to the Sub-Commissioners at once, may he not?

If I understand the law he cannot.

1915. Lord *Tyrone.*] I think you gave evidence before that land that was in hand at the time of the Church Temporalities Commissioners' sales fetched a very much higher purchase than that which was let to tenants?

A higher rate of purchase on the tenement value, we will say. Certainly it did.

1916. No, but on the value. I think you mentioned the value particularly in your evidence. You were asked, as far as I remember, the question how the value was ascertained, and you said by valuation?

I do not recollect the evidence you refer to, but there is no doubt that as to two plots of land adjoining each other, one of which is let at 1 *l.* an acre, and the other of a similar quality, worth 1 *l.* an acre; but which is not let, the one without a tenant will sell for a larger price per acre than the land with the tenants upon it.

1917. Then the class of land that is likely to come into the landlord's hands, according to your previous answer, would hardly be a fair test of the value of land in Ireland?

For the purpose of ascertaining the annual value for taxation, I think you want to ascertain the best rent which can be obtained; a landlord now who has land in hand to let, can let it to the best advantage; and that would be a guide as to the market letting value of the land.

1918. Marquess of *Salisbury.*] Is there any considerable quantity of such land?

No, I do not think there is a considerable quantity; but there is land from which tenants have been ejected; there are demesne lands which landlords have in their own hands, or farms which they have in their own hands.

1919. Which they are inclined to let, you think?

Which they may let.

1920. Earl of *Pembroke and Montgomery.*] Could you not get at the market rent of the land by adding the landlord's to the tenant's interest; that would give you the market value pretty nearly, would it not?

You have the landlord's rent showing the annual value of part of the whol value; the tenant's interest will be the subject of sale and purchase, and will be sold for a capital sum. Whether it would give you a true estimate of the annual value to take a certain rate of interest on that or not is questionable.

1921. Approximately it would do so, would it not?
It would do so, to some extent, but I do not think accurately.

1922. Lord *Kenry.*] Have you any idea, in the cases you valued, what you would add, yourself, to the rack rent?
I can give no opinion at all about that, because the circumstances of the farms varied immensely.

1923. Marquess of *Salisbury.*] May I ask the principle by which your valuation went; if you did not go by market value, did you go by the price of the produce and any definite payment to the tenant for his labour and capital?
I gave no detailed estimate of such things. I gave my opinion as to the rent at which I considered the landlord, who had a farm in hand, could let it to a solvent tenant, at a rent which would be secure to him, and which would bear the strain of the ordinary fluctuations of the season.

1924. You went, in fact, upon a hypothetical market price?
I went on the ground of the experience which I have had in lettings.

1925. In past years?
In past years, and having regard to the present state of affairs.

1926. Lord *Brabourne.*] Were you guided at all by the present prices of the produce?
Certainly.

1927. Marquess of *Salisbury.*] Did you assume, in valuing, that you were dealing with a state of things in which the owner of the land would have the free right of letting at a competition rent to anybody who proposed to take?
The rents I named were those at which, if I had been acting for the landlord, letting the farm in its present condition, I should have advised him to let it at. I should not always advise a landlord to take the highest rent bid. If he did so he might find his rent was not well secured, and I should think it an unwise thing always to take the highest rent that was offered, just as it would be unwise to take the lowest tender that is offered for the execution of works, unless you have some guarantee that the work would be faithfully executed.

1928. But the value that you assumed was independent of any disturbance created by the peculiar conditions of the land law, and that it was such value as you could have gained in a country not subject to the land law in Ireland; is that so?
I do not quite understand your Lordship's question.

1929. I mean the land law has exterminated, to a great extent, if not entirely, all competition for land; but I understand you to say, nevertheless, that your value was one which, in your judgment, if there were competition, the most eligible competitor would give, and by "eligible," I mean, of course, to include the question of security, as well as the question of the absolute amount?
Yes.

1930. That is a fair statement?
Yes.

1931. Lord *Tyrone.*] I think you have stated, in previous examinations, and in fact, stated here to-day, that it is almost impossible for a valuator to arrive at the improvements that have been made upon farms?
I think it is impossible, by a mere inspection, to say what has been the state of the farm at any previous time, or to say at what cost it has been brought to its present state.

1932. Then how do you suppose the Sub-Commissioners arrived at that fact?
I really could not undertake to answer for the Sub-Commissioners at all. If I was acting myself I should do it by hearing the evidence and seeing the land, and judging to the best of my ability, and even then, I think, the result would not be very satisfactory.

1933. Have you ever acted as valuer for any landlords in Ulster?
I have.

1934. When you were valuing land for the Court of the Chief Commissioners, did you ever take into consideration the capacity of the tenant to manage the farm?
Certainly not, because I had no acquaintance with the tenants. I could not have done so, nor should I have done so.

1935. Do you consider that it is possible to value land in the depth of winter?
I think an experienced valuator ought to be able to form almost as good an opinion at one time of the year as at another. Of course it is not desirable to see land when there are crops upon it, nor would it be possible to value land at all if frost-bound or covered with snow; but otherwise winter is not a bad time to value.

1936. Would it not be very much against arriving at a fair value, if the land were covered with water?
Certainly; except as an indication that it was frequently flooded.

1937. Do you recollect valuing Mr. Heron's estate, in the County Down, for the purpose of police appeals?
I did not value it.

1938. Do you know what valuators did value it?
No, I do not.

1939. You are not aware of anything about that estate?
Except that it was the subject of appeal; I did not value it.

1940. You are not aware that it was valued when water was upon it?
No, I am not.

1941. Lord *Brabourne.*] Is there any land in Ireland as in England that they call half-year land; that is, lands that are for some months under water and for some months fit to keep a quantity of stock upon. Of course, in that case it would make all the difference in the world what time of the year he saw the land?
I am sure there is a great deal of such land. I know a great deal liable to floods; and if liable to winter floods, it is also liable to summer floods, which may not occur so frequently, but if they do occur they are more damaging.

1942. Lord *Tyrone.*] Are you aware of any grass land in which flooding improves the value?
Yes, if the flood comes at suitable seasons.

1943. In valuing land, did you ever take Griffith's valuation into consideration at all?
For the purpose of estimating the amount of taxation the land would be subject to it is necessary to do so. Beyond that, I do not consider Griffith's valuation to be any reliable guide whatever. I think it is most unequal, especially in places where the land varies rapidly in quality and character.

1944. You mentioned a report sent in by you to the Chief Commissioner, and I think you put it in evidence; is that the form of report sent in by the other valuators?
No; that is merely in explanation of the figures which I gave to the Commissioners.

1945. *Chairman.*] Have the Chief Commissioners ever employed anyone but Mr. Grey and yourself as valuers?
I do not know.

1946. Viscount *Hutchinson.*] Was there not a Mr. Bell employed?
Mr. Bell is employed, but whether for the purpose of appeals or for assisting the Chairmen, I do not know.

1947. Lord *Tyrone.*] There was a decision given, I think, by Mr. Justice O'Hagan, in which he mentioned that the valuators' reports merely excluded buildings; and I understand from your evidence before us to-day that you included buildings?

In the case of the holdings I valued in the Belfast district, I took no account whatever of the buildings, because I understood that it was admitted that they were the work of the tenants, as they usually are in that part of the country; moreover, with the exception of one or two farms, the buildings added little or nothing to the value, being merely thatched houses.

1948. Then in those cases you did not take into consideration the buildings?

In the few cases I valued in the Belfast district I did not take the buildings into account.

1949. I am alluding to the particular case of Adams *v.* Dunseath?

In that case I did not take the buildings into consideration.

1950. Did the valuators ever estimate a fair rent for the Chief Commissioners?

I cannot say what other valuers did.

1951. Marquess of *Salisbury.*] Do I understand you to say that a house can in no case be neglected altogether, as not adding at all to the value of the occupation?

I think that where houses are bad and unsubstantially built, they do not add to the letting value. In the case of a tenant selling his interest, if he found a customer who wanted such a house, he might get a little more for it, but beyond that I could not say that it had any effect whatever upon the value.

1952. But a farmer must live somewhere; would he give as much for a farm where there was nowhere to live, as he would for one where there was somewhere to live?

I refer more particularly to the case of small farms, and the competition in those cases for tenants' interest is very often between farmers who have houses already, and therefore on small farms particularly, a house does not necessarily add to the letting value.

1953. Lord *Tyrone.*] Did you ever value tenants' improvements for the Chief Commissioners?

No.

1954. I think you mentioned that when you and the other valuator had a difference as to your valuations, you sent in separate reports?

That was so.

1955. Did your differences generally arise from principles of valuation?

I do not think that the differences were of any great amount, and I do not know the grounds upon which Mr. Grey, who was with me, arrived at his conclusions.

1956. Lord *Penzance.*] Did you talk over the matter with Mr. Grey in each case, or did you value separately?

We made up our figures separately, and if we agreed we presented a joint report; if we did not agree we presented separate reports.

1957. Did you not talk over between one another the figures that were in dispute, to see whether the one could convince the other?

Except when it was a question of very small amount. If it had been a matter of 5 *s.* and 5 *l.*, or 10 *s.* and 10 *l.*, we might have endeavoured to make our figures agree.

1958. Lord *Brabourne.*] Did you never compare notes to see whether you were going upon the same principle?

I could hardly tell you. We lived and worked together for a fortnight, and we conversed a good deal upon the subject, but I do not know whether we laid down any principles upon which we both agreed.

1959. *Chairman.*]

1959. *Chairman.*] I should like now to ask you something upon the subject of the purchase clauses. Will you tell the Committee what is exactly the position under the Act of 1870, of a tenant with regard to getting advances for the purpose of purchasing his holding. What was the amount of advance he could get?

Under the Land Act of 1870, a tenant purchasing his holding was empowered to borrow two-thirds of the purchase-money. Under the Amendment Act of 1872 he was able to get two-thirds of the value of his holding as assessed by the Board of Works. That made a difference, inasmuch as it permitted the Board of Works to advance more than two-thirds of the purchase-money if they thought fit so to do; but I am not aware that they ever acted upon that power.

1960. Was that Amending Act by way of enlarging the accommodation given to the tenant?

It was; but I am not aware that the Board of Works ever acted upon that enlargement.

1961. That would assume that a tenant had made a purchase at less than the full value?

No; because he may have an interest of his own which might be taken into account.

1962. It was in order to include a tenant's own interest as well as what he had bought?

Yes, I am not aware that more than two-thirds of the purchase-money was ever advanced.

1963. What is the state of things under the Act of 1881?

Under the Act of 1881 the Land Commission may advance three-fourths of the purchase-money if they are satisfied with the security where a sale is by the landlord to a tenant; but by what appears to be an omission in the Act the Land Commission is limited in the case of tenants purchasing in the Landed Estates Court, to the amounts which were permitted to be lent by the Acts of 1870 and 1872, and that puts purchasers in the Landed Estates Court at a very great disadvantage.

1964. So that a tenant purchasing in the Landed Estates Court from his landlord can only get two-thirds of the purchase-money; is that so?

Two-thirds of the value of his holding as assessed by the Land Commission.

1965. As assessed by the Land Commission or by the Board of Works?

Assessed by the Land Commission, because the powers of the Board of Works have been transferred to the Land Commission. By the 24th Section of the Land Act of 1881 the Commissioners may lend three-fourths in the case of a tenant purchasing from his landlord; but by the 35th Section the powers of the Board of Works are transferred to the Land Commission, and it has been held, after taking legal opinion upon the subject, that a sale in the Landed Estates Court is not a sale by a landlord to a tenant.

1966. That seems like an oversight in the Act, does it not?

It is an oversight in the Act, which it would be most desirable to remedy if possible; because, instead of having a uniform system of advance it brings in a different system, which often leads to great inconvenience and disappointment to tenants and landlords.

1967. And I suppose it is in the Landed Estates Court that, if there are any sales in Ireland, the sales are most likely to take place?

There is a large amount of property for sale, I believe, in the Landed Estates Court.

1968. How many sales have actually taken place in your department under the Act of 1881?

The Return presented to Parliament already shows all the cases that have been completed up to the present date.

1969. That is to say, there are none since the Return?

There are none since the Return, but I may give you perhaps the particulars of the applications that have been received. There have been 48 applications received altogether for advances under the Land Act. They embrace 158 tenants; the rental was 4'861 *l.*, and the purchase-money, which was agreed upon between landlord and tenant, or upon which the tenants sought to have advances made was 90,000 *l.* Advances to the amount of 65,000 *l.* were asked for, and advances have been sanctioned up to the present time of 34,983 *l.*; but some of these transactions will probably not be completed. In some cases the advances have been sanctioned conditionally on the tenants being accepted as purchasers in the Landed Estates Court. In one or two cases the tenants have bid for their holdings, and their bids were considered insufficient, and therefore, although the Commissioners have sanctioned the advances, it is unlikely that those transactions will be completed.

1970. Then between the advances sanctioned, either conditionally or absolutely, of 34,000 *l.*, and those applied for of 65,000 *l.*, are the others under consideration, or are they rejected?

The others are under consideration. Some have been rejected. Seven applications were refused on the ground that the cases did not come within the meaning of the Act, or that the lands were not deemed sufficient security for the advances applied for.

1971. How was that conclusion arrived at that the land was not a sufficient security?

Sometimes upon examination and sometimes upon a statement of the facts. For instance, in some cases the lands were subject to large head rents, and the only security the Commissioners would have had for their advance would have been the profit rent, which would have been but badly secured.

1972. Then has there been any advance refused on the ground that the price given by the tenant was too large; that is to say, that there would not be security for three-fourths of the price given by the tenant?

There have.

1973. How many cases of that kind have there been?

I could not tell you how many cases there have been, but I think that in some of the applications that have come before the Commissioners the price of the land alleged to have been agreed upon between landlord and tenant seemed to have been arrived at by the landlord leaving out one quarter of the purchase-money at such a low rate of interest as led to an enhancement of the price. For instance, in some cases the landlord agreed to leave out one quarter of the purchase-money at 1 or 1½ per cent. That was not ascertained by the Commission by any written statement, but by the tenant's allegation when we sent down to examine the lands, and in one case I asked the tenant what terms or what agreement he had made with his landlord. I cannot give you the exact figures, but the tenant asked me whether he would be right in giving his landlord a mortgage for the amount named, and said that the landlord had intimated that he probably would be willing to sell the mortgage for half the sum named in the mortgage.

1974. Do you mean that the tenant was first to give a mortgage for 25 per cent. of the purchase-money?

Twenty-five per cent. of the purchase-money at 1 or 1½ per cent. interest.

1975. And that then the landlord would sell the mortgage back to the tenant at 10 *s* in the £.?

Yes; no agreement had been entered into as to that; but in that way it is possible that the Commissioners might be asked virtually to lend the whole purchase-money; that is to say, the whole market value of the lands under colour of lending the three-fourths.

1976. Be it right or wrong, your conclusion was that it was a colourable application

cation to the Commissioners, the object really being to get the whole purchase-money?

Yes.

1977. How many cases altogether do you say were rejected?

Seven applications were refused on the grounds that the cases did not come within the meaning of the Act, or that the lands were not deemed sufficient security for the advance applied for.

1978. We have to deal then with seven refusals. How many of those were on the ground that the security was not sufficient?

I am afraid I have not got those particulars. There have been other cases brought before the Commissioners, but not in the way of formal application, where applicants asked if proposals for advances would be entertained, but where it appeared on a mere statement of facts that there would not be sufficient security to lend upon.

1979. Has there been any case refused in which the landlord and tenant have agreed to sell at a price, and as to which there has been no reason to suspect a colourable or underhand bargain such as you have referred to, and where the Commissioners have held that the three-fourths would not be sufficient security?

Yes, I think there are one or two cases where the Commissioners have declined to sanction advances where there was no reason to suppose it was not a *bonâ fide* transaction. They have not absolutely declined to sanction the advances, but they have diminished the amount they were asked to lend.

1980. They were willing to lend less than three-fourths?

Yes.

1981. How many cases of that kind have there been?

That I cannot tell you either; but there have been a few cases.

1982. In those cases did the Commissioners make a valuation?

The Commissioners had a report from me or from Mr. Stewart, who is assisting me in this work, and had the whole circumstances of the cases laid before them before they made their decision.

1983. Do you mean report after the valuation by you?

A valuation and report.

1984. In what counties were those cases?

I could not tell you in what counties those cases occurred.

1985. I understood you to say you had valued them, or that Mr. Stewart had valued them?

I merely speak from recollection. One case was in the county of Westmeath; the amount applied for was not sanctioned; the Commissioners thinking that the security of the land would be insufficient for the amount they were asked to lend.

1986. What was the amount that was asked for?

I have not got the particulars of those cases.

1987. Do you recollect what the amount of the purchase-money was?

No, I do not recollect the exact amount; but I do recollect that out of perhaps 1,500 *l.* asked for, the Commissioners declined to lend more than about 1,400 *l.* They diminished the amount.

1988. If it is in the report you have before you, you can state it?

The amount of purchase-money was 2,100 *l.* The Commissioners sanctioned an advance of 1,400 *l.*; the amount asked for was about 150 *l.* more.

1989. What was the rental of the property?

The rent of the property was 105 *l.* 5 *s.*

1990. And the purchase-money was how much?

£. 2,105.

1991. At twenty years' purchase?
Yes; that was at twenty years' purchase.

1992. That was not a judicial rent, I suppose?
The tenant held by lease in that case.

1993. Do you know what was the length of the lease?
Thirty-one years, I think.

1994. Was there much of it to run?
The lease was made in or about 1873.

1995. That was in Westmeath. Was it grazing land?
It was grazing land.

1996. Lord *Penzance.*] You were speaking just now of a case of colourable agreement between the tenant and the landlord. In that case the tenant was obliging enough to tell you of the bargain between him and the landlord, but if he had closed his mouth, and not told you of it, is there any way in which the Commissioners could have protected themselves in such a matter?
I think it is very difficult for the Commissioners to protect themselves against such transactions, but I do not anticipate that there would be many such cases. Still there would be some.

1997. But if they were successful, why do you not think there would be likely to be many?
It is not very easy to get two parties to agree to a transaction of that kind.

1998. Earl *Stanhope.*] Do you think the purchase clauses could be extended so as to facilitate more sales and purchases of land?
I do. I think they require extension and amendment. There are some defects, I should call them, which prevent their working as freely as they might.

1999. *Chairman.*] Before we go to that, I should like to ask you a little more about this case you have referred to. What was your valuation of the property?
In that particular case the Commissioners did not sanction the whole amount asked for. It was not very much more than the sum that was sanctioned, in my opinion there was sufficient security for the sum asked for.

2000. Then it was not in consequence of your report that the sum was reduced?
In that case it was not. There have been cases which I have advised the Commissioners not to advance the full amount asked for. As a rule, I think the landlord and tenant agreeing is the best evidence of value; at the same time if I thought the land was not sufficient security, I should advise the Commissioners not to lend the whole amount asked for.

2001. Do you know what the reason was, you having reported in favour of the advance, that it was not made?
No, I do not.

2002. There was a rule of the Board of Works, was there not, about the advances which it would sanction with reference to Griffith's valuation?
I believe there was a limit, and that they would not lend more than 20 years' purchase upon Griffith's valuation.

2003. That rule does not obtain in your office, does it?
I am not aware of any such rule.

2004. You are not aware of its being acted upon now?
No, there is no rule of that kind; otherwise it would be unnecessary to employ me to value the lands. The Commissioners, no doubt, look to the valuation as nearly every one in Ireland does, for some indication of what the value of the land is.

2005. Still the rule was not always to sanction an advance up to 20 years' purchase; it was only not to sanction one beyond?
Yes, it was limited.

2006. You spoke of cases where the tenants had applied provisionally to know before buying, what advance would be sanctioned?
Yes.

2007. Do you know of any sales which have gone off by reason of the tenants not getting the advance they expected?
I believe there are cases where the transaction has fallen through owing to the Commissioners having refused to advance the whole amount asked for, but those were not cases where provisional advances were made. The only cases in which provisional advances were made were cases in which tenants were intending to bid in the Landed Estates Court. In those cases I think they got the whole amount asked for; they were not prepared to give large sums, and what they asked for was sanctioned on the condition that it did not exceed the three-fourths of the price paid in the Landed Estates Court.

2008. What was the character of the cases where the tenant and landlord had agreed upon the purchase money, and the tenant found he would not have three-fourths advanced to him?
There were some cases of that kind in which the transactions fell through in consequence of the tenant not receiving as much as he had agreed with the landlord for.

2009. Not exceeding three-fourths of the purchase money, you mean.
Not exceeding three-fourths of the purchase-money.

2010. In those cases where you value land for the purpose of seeing whether there is sufficient security for the advances applied for, do you value upon the same principle as that upon which you valued under the Church Temporalities Act?
I have to look to the selling value of the holding, that is to say, the security for the Land Commission's advance would be the combined interests of the landlord and tenant, which are merged in one when the tenant becomes the purchaser of his holding.

2011. It is quite an understanding of your office that the security which is given to the Commissioners is the double interest whatever it may be both of landlord and tenant?
I should consider that it was, except in cases of sales in the Landed Estates Court. The Landed Estates Court conveys the holding to the tenant, subject to his own tenancy. In the case of a leasehold, that leasehold might be encumbered, and would not be a security for the advance. In the case of the sales by the Commission, the tenant's interest becomes merged in the fee, and therefore the security is practically increased.

2012. You were going to describe whether the principle of the valuation was the same as under the Church Temporalities Act?
I do not think I can say there is any principle of valuation in such questions. What I look to is my experience of sales in the market. There is a great dullness in the land market in Ireland at present, but we have the statistics of sales in past years to refer to, and I must correct those to some extent by the depression there is in land. Quite apart from the agitation, I think there is some depression in land, owing to American competition, uncertainty of the future, and loss of farming capital during the bad years, and disinclination to invest in land.

2013. Earl of *Pembroke and Montgomery.*] Do you not think that the late Land Act that was passed has greatly depreciated the value of the fee-simple as well?
I have no statistics whatever to go upon. I think it has probably diminished the saleable interest of the landlord, but I do not know that it has had any effect in diminishing the value of land sold unencumbered by the tenant's interest.

2014. *Chairman.*] At the present moment I suppose you would say that there is not a market for land in Ireland, and that there is no real buying and selling of land in Ireland at the present moment?

None, hardly.

2015. Therefore, in valuing the land, you do not value it at what it would fetch if it were put up to auction now?

No, I do not.

2016. Viscount *Hutchinson.*] With regard to depreciation of land by American competition, do you believe that that diminution which you think exists extends both to agricultural land and grazing land?

Yes, I think it does. I may say that the depreciation in the selling value of land is quite apart from my own opinions upon the subject, because I think things have touched bottom; but many people who have studied the subject more than I have think that American competition will influence the price of grazing land as well. For instance, I find that the writings of Mr. Blake, who is the Member for Waterford, are widely read through Ireland by tenant farmers. He has travelled a great deal in America and India, and everywhere in fact, and he has written a series of letters to the papers, which have been published and circulated all through Ireland as a small tract, pointing out that the effect of American competition will be to make land very much less valuable than it is at present. I am astonished to find numbers of tenants who have read those writings of Mr. Blake, and who intelligently understand them, and who have an intelligent apprehension of further depreciation in the value of land, quite apart from the question of agitation.

2017. I have heard it said by a great many people, and by Americans themselves, that what is likely to influence the price of land in Ireland is the importation of American corn, but that we have not very much to fear from the importation of American cattle?

I should agree with that, but there are numbers of people just as well informed as I am, or better, who think differently.

2018. Then it is a moot point?

It is.

2019. *Chairman.*] Is it your opinion that tenants in Ireland are now disposed to buy their holdings at a reasonable rate of purchase if they could receive sufficient accommodation as regards purchase money; I mean are they disposed to become purchasers?

I think they are. Besides these transactions which I have mentioned, the Commission have been asked by two landlords lately to negotiate the sale of their estates to the tenants. These two estates comprised 350 tenants, and the rental was about 5,000 *l.* a year. I went down and visited those tenants, and visited a great number of their farms; they are all ready to buy, but not ready to give a high price.

2020. Lord *Penzance.*] Are they ready to give a fair price for their farms?

Well, fairness is a matter of opinion.

2021. In your opinion, I mean?

Some of them are. We are now in process of receiving proposals from some of them. In one case the landlord named the price which he expected for his estate. In my opinion he named a price which he would not have got in the very best of times; the other landlord, I believe, would sell at a price, at which the tenants will buy; but I think it will take some time to effect a sale, because you will not find 300 men all ready to do the same thing at the same time, and in the same way.

2022. Marquess of *Abercorn.*] Would those tenants generally give 20 years' purchase?

I think those tenants would give nearly 20 years' purchase of a fair rent; but I may say that in part of that district the poor-rates amount to 6 *s.* in the pound; the county rates amount to between 3 *s.* and 4 *s.* in the pound, and the tenants will have

have to pay the whole of them if they become buyers, and therefore the number of years' purchase in that district would not be any guide to a district where the poor-rates are 6 *d.* in the pound.

2023. Lord *Brabourne.*] Just now you said that in consequence of reading some statement of Mr. Blake's, a great number of the tenantry of Ireland had an intelligent notion of the further depreciation of the value of land; do you mean to imply that they have an idea of a further reduction in rents?

No; I merely mentioned Mr. Blake's writing as a sample of opinions held by men who have taken a great deal of trouble to inform themselves upon the subject.

2024. Of course if a large number of the tenantry of Ireland have an idea from a particular cause, or from particular writings, that land is to be further depreciated, that might keep them out of the Land Court, because they might think that by waiting they would get a still further reduction of rents, owing to the value of land being still further depreciated?

What I referred to was not the judicial settlement of rents, but the value of land independently of such litigation.

2025. Is the rent at all determined by the fair value of land?

The fair rent, no doubt is; but I was considering the matter altogether apart from the question of the judicial settlement of rents.

2026. Duke of *Somerset.*] The Committee were informed by Mr. Godley that the position of tenants is now so favourable, that he did not think many tenants would be willing to become purchasers; is that your opinion?

I think tenants are ready to become purchasers.

2027. You think, therefore, differently to Mr. Godley?

I should like to guard myself by saying this: it is difficult to speak in general terms of the tenants, who are a vast body in Ireland. They think differently in various parts. In some parts of Ireland they think that their rents are now settled, and will never be changed; they think they will never be increased again. In other parts of Ireland they think their rents are being settled only for 15 years, and there are a variety of shades of opinion between those two.

2028. Mr. Godley stated it as his opinion that they perhaps might purchase where they only paid by instalments, but that where they were required to pay down any sum of money they would not purchase at all?

In some cases I think they are ready to buy.

2029. Even paying down?

Even paying down, but the number of tenants in Ireland with money to pay down is not very large.

2030. *Chairman.*] As between the two states of things, buying now, on whatever may be considered fair terms at their present rent, or waiting to have the chance of what they can do in the way of having a judicial rent fixed, do you think there is a general disposition on the part of the tenants not to buy until the judicial rents are fixed, or that they would be willing to buy on fair terms now?

Tenants are, no doubt, to some extent deterred from buying by the uncertainty which attaches to the settlement of rent; but on the other hand there are, I think, many tenants who would be glad to buy in order to avoid the expense and annoyance of a rent suit. The landowners are embarrassed just in the same way. They can hardly make a price for their estates until they know what the rents would be, and I think they would find it just as difficult to name a price at which they would sell, as the tenants to name a price at which they would buy.

2031. Duke of *Somerset.*] Have you found that the smaller tenants, tenants who rent under 12 *l.* for instance, are willing to buy, or is it the larger tenants who are willing to buy?

I think the smaller tenants would generally be most ready to buy.

2032. *Chairman.*] Then, looking to that element which you mentioned just now, the uncertainty that exists both as against the tenant and as against the landlord, according to your knowledge of human nature, is not that just the crisis of events when it is most likely, in order to get rid of that uncertainty, that both parties would be willing to come to terms?

It would be an assistance in some cases to bring people to terms, but in other cases it deters them. The one party hopes that the rent will not be reduced, and the other hopes that it will be. If both entertain exaggerated expectations they are not likely to agree about the sale and purchase.

2033. Earl of *Pembroke and Montgomery.*] I want to ask you what proportion of the applicants purchasing have been tenants holding under a lease?

I could not answer that question exactly, but very few of them have been holding by lease.

2034. Is it not the case that a tenant holding under a lease would have a far greater inducement to purchase than a man who had a yearly tenancy and could apply to the Court for a reduction of rent?

I do not see that there is a greater inducement to a leaseholder because he is protected by the terms of his lease against any enhancement of rent during the terms of the lease, and at the end of the lease he becomes, I believe, a present tenant, but it does not seem to have affected the applications that have been made to the Land Commissioners hitherto. There have been more yearly tenants than leaseholders.

2035. But he cannot get his rent reduced, can he?

He cannot get his rent reduced.

2036. *Chairman.*] What is done by the Commissioners with regard to the quit rents to which the landlord may be subject; do they require them to be reduced?

In the only cases of the quit rent payable to the Crown that have come before the Commissioners, they have required that they should be redeemed. They have no power to apportion them, nor would they have any power, I believe, to allocate them to one particular holding; there is considerable difficulty, I believe, about their redemption.

2037. Do they require them to be redeemed?

They would require them to be redeemed.

2038. And at what rate of purchase are they redeemed?

Quit rents, payable in small sums, are redeemable (I do not know whether by Act of Parliament or by the regulations of the Woods and Forests), at 28 years' purchase. If they are larger than a pound or two, the rate of purchase is less.

2039. Is it not in the power of the Commissioners to give an indemnity against the quit rents on a sale?

Does your Lordship mean to the Woods and Forests, who are the receivers of quit rents?

2040. No; an indemnity to the purchaser?

I do not think they can. I do not think the Woods and Forests would assent to an indemnity of that kind. The rents are payable out of certain lands, and the Commissioners would have no power to free those lands by giving any other security.

2041. Was there no power under the Act of 1870 to apportion head rents or quit rents?

The Landed Estates Court have power to apportion head rents. I do not know about quit rents, but the existence of head rents is a great obstacle to the operation of these purchase clauses, and, if you would allow me, I should like to make a statement with reference to the head rents. Any estate which is subject to a head rent is practically unsaleable in small parcels, and therefore cannot be sold under the Land Law, because the Land Commissioners have no power whatever to apportion the head rent. The owner of the estate, which is

subject

subject to the head rent, might of course purchase up the head rent, and then sell the land in fee; that is, if the owner of the head rent were willing to sell it, but that is not always the case. A head rent may form part of settled property, and therefore not be saleable, or the owner may not wish to sell it, or knowing the owner of the estate wanted to buy it, he might ask an exhorbitant price. I should say that generally, an estate being subject to any head rent, is a bar to its sale under the Land Law Act. And there is a very large extent of land in Ireland subject to head rents. It has been estimated that one-third of Ireland is subject to them.

2042. What kind of a head rent is it?
There are all kinds and varieties of head rents. The property of the late Established Church consisted, to a large extent, of perpetuity rents. The landlord of the occupiers of the land, being really a middle man who paid a large head rent, and received the rents from the occupants, and in the same way the estates of Trinity College are let at very large head rents; that is to say, large in proportion to the value. Many landowners pay head rents to private individuals. These head rents arose out of leases made a long time ago, and very often from renewable leases converted into fee farm grants under the Renewable Leasehold Conversion Act. But the fact is, a great part of Ireland is subject to these head rents, and therefore cannot be dealt with under the Land Law.

2043. Because there is no power to apportion them?
There is no power to apportion them.

2044. Is it your opinion that it would add to the efficacy of the purchase clause very much if there was power to apportion the head rent?
It would be very unfair to the owners of the head rent to apportion it.

2045. We will come to that afterwards; that is a matter affecting the policy of doing it; do you consider it would add to the efficacy of the clauses?
I think it would make land saleable which now cannot be sold, but that is not the suggestion that I should make with regard to head rents.

2046. What is due with regard to head rents when land is taken compulsorily under the Lands Clauses Act?
I do not know, but generally speaking only a small portion of land is taken under those Acts; the remainder of the land would be ample security for the head rent.

2047. That is not the way Parliament proceeds; what is done?
I do not know how they do proceed.

2048. Have you never looked at the Lands Clauses Act for the pnrpose of seeing how the head rents were dealt with?
No, I have not.

2049. I forget what you said was the total number of cases that, since the Act of 1881 had been passed, had been brought under it for the purpose of purchase and sale?
There have been 48 applications, embracing 158 tenancies.

2050. Let me understand that; what is the reason of the difference between 48 applicants and 158 tenancies?
A landlord who is selling to several tenants makes one application; but he may have several tenants embraced in his application.

2051. Were those applications to sell the estate to the Commissioners to be resold to the tenants, or applications by the tenant on a purchase from the landlord?
Two of these applications to the Commissioners were to buy the estates; the rest of them were applications for advances to enable tenants to buy from their landlords. In the case of one estate the Commissioners have completed the sale and sold to the tenants. The second case is now in process of completion and will be effected; in those two cases the estates were for sale in the Landed Estates Court.

2052. In the cases where the Commissioners buy who pays the costs?

The Commissioners will not buy any estate until they have ascertained that the tenants will buy from them; they have no power to do so. They ascertain it by requiring the tenants to lodge the money beforehand; that money must be sufficient to cover all costs connected with the sale. The Commissioners ascertain what the costs will be of effecting the purchase from a landlord or the Landed Estates Court, and the reconveyance to the tenants, and then they must deduct that sum from the gross amount which the tenants pay them, in order to arrive at the sum which they pay for the estate.

2053. I do not quite understand that a landlord proposes to sell to the Commissioners at a certain sum?

The Commissioners in that case cannot buy the estate until they ascertain what sum the tenants will give them for the estate.

2054. Suppose there are 50 or 60 tenants, how do they ascertain what sum each tenant will have to give?

In the cases that have come before the Commission hitherto, the sellers of the estates have arranged with the tenants beforehand at what price each would buy.

2055. Then they make the aggregate sum the purchase money, do they?

The aggregate sum paid by the tenants was not the sum which the Commissioners paid to the sellers of the estate, because they had to allow for the costs of the conveyance to the tenants. The Land Law Act prohibits them from making any separate charge in respect of the deeds of conveyance or any of the costs, therefore that must be included in the purchase money that any tenant pays.

2056. Do you mean that the aggregate which the tenants are ready to pay must be a larger sum than that which the Commissioners pay the owner?

Yes, the difference going to cover costs.

2057. The margin being sufficient to cover the costs?

Yes.

2058. The result of which is that the landlord pays the costs?

You may look at it in either aspect, the landlord pays the costs or the tenant pays a little more in consideration of getting his deeds free of any extra charge. In one case that the Commissioners have completed, the tenants agreed to buy at a certain price, and then to give something more to cover the costs of their conveyance, but that agreement was made outside the Commissioners' knowledge altogether. We simply took the gross sum that the tenants would pay, and paid to the vendors a sum less by the amount of costs.

2059. Then when you say they require the tenants to lodge the money, you mean to lodge one fourth of the money?

Yes, to lodge one-fourth.

2060. With a certain amount to cover costs?

We do not go into the question of whether there is a certain amount to cover costs, because the Commissioners prohibited from making any separate charge. If a man says I will buy my holding for 100 *l.*, and the costs of buying it and conveying it would be 10 *l.*, the Commissioners would then say to the landlord we will give you 90 *l.*

2061. This is Section 26 of the Act, Sub-section 5: "In sales by the Land Commission to tenants in pursuance of this section, a separate charge shall not be made for any expenses relating to the purchase, sale, or conveyance of the property, but such expenses shall be included in the price or fine payable by the purchaser." The price or fine payable by the purchaser is to go to the owner?

In the case of a tenant purchasing from his landlord, if there was no agreement the tenant would be liable for the costs of the mortgage at any rate to the Commissioners, and I suppose according to the usual custom for the conveyance from the landlord to him; but in those cases the Commissioners do not interfere at all, and it has been generally arranged between landlord and tenant that the

landlord

landlord should pay all the costs. In some cases the tenant has paid, but generally speaking the landlord has said, "I will pay all the costs connected with the sale, and they fix the price with regard to that agreement," but where the Commissioners buy the estate the case is different. They are not allowed to make any separate charge, and therefore they pay a less sum to the vendor than they receive from the tenants.

2062. Viscount *Hutchinson.*] In fact to put it into figures, we will suppose that the landlord informs the Commission that he is willing to sell the estate for 1,000 *l.*, and that the costs of the transfer will be five per cent. upon that. or we will say 50 *l.*; then the Commission will take 1,000 *l.* from the tenant, and merely hand over to the landlord 950 *l.*?

If the landlord were willing to sell his estate for 1,000 *l.*, and the costs of the conveyance to the tenant would be 50 *l.*, the Commissioners would require the tenant to lodge one-fourth of the 1,050 *l.*, and they would pay the landlord the 1,000 *l.*

2063. *Chairman.*] Then in calculating the three-fourths which they advance to the tenant, do they calculate upon the larger sum or the smaller sum?

Upon the larger.

2064. Looking to the number of cases which you have mentioned as having taken place under these clauses, do you consider that those clauses can be said to be in active operation?

I think they are only beginning to come into operation. We have had a great number of inquiries from landlords who are endeavouring to negociate the sale of their estates. A large part of the business in my department is answering inquiries from landlords either personally or by letter, and so far as I know a great number of landlords are endeavouring to sell to their tenants.

2065. But that is but one side of the case?

It is, but certainly the tenants are not always ready to meet the landlords in the matter of price. Very little has been done hitherto under these clauses, but the amount is increasing.

2066. Is it increasing as comparing one month with another?

Certainly, during the last week there have been a great many applications lodged.

2067. Applications by whom?

Applications by landlords, including agreements by tenants to purchase.

2068. Agreements between landlord and tenant on application for advance?

Yes.

2069. Marquess of *Salisbury.*] Do you know how many applications there have been in the week?

I could not tell you; I have given you the total number, but more have come in during the last week than came in during the previous weeks.

2070. *Chairman.*] What is the present advantage which a tenant has in buying under the existing state of the law?

The advantages of ownership over tenancy.

2071. That ownership brings with it the accompaniment, which some people would think disagreeable, of paying the taxes?

And his instalments punctually.

2072. Now let us take a case; a tenant of a larger kind pays 50 *l.* a year; he is a purchaser at 20 years' purchase (we will put aside the question of costs until it is material), 1,000 *l.* has to be provided for; he has an advance from your Court of 750 *l.* What does he pay for that?

He pays 37 *l.* 10 *s.*

2073. Then he has to provide 250 *l.*; he has to borrow it if he has not got it; what do you put that at?

I do not think he can borrow it at less than five per cent. or six per cent.

2074. I think some parts of your evidence before the Commission showed that he sometimes borrowed at much more than that?

In the case of the sales to the church tenants, there were instances where very much more was paid; but taking it all round, the church tenants did not pay very much.

2075. The church cases were exceptional cases; we will take it at what may be considered a fair medium rate of interest, what would you put that at?

I should say six per cent. at present, but I may say that landlords who are selling to their tenants and leaving one fourth out, generally leave it at four per cent.

2076. We will not assume that the landlord might or might not be willing to do that. What sum would you put for rates and taxes which now fall upon the owner, and which would then fall upon the tenant?

I should say in ordinary parts of Ireland that there would be at least 5 *l.* more; that would be a low estimate.

2077. Then what would be the aggregate of those annual payments?

£.57 10 *s.*

2078. So that the change of his position would entail an additional annual payment of 7 *l.* 10 *s.*?

It would.

2079. Do you think in that state of things tenants will be induced to become purchasers?

I do not think that there are many tenants who would be prepared to become purchasers at present, at a price which would involve a larger annual payment than their present payment. There are some cases where now a man is anxious to become owner, and would pay a little more for it, but I am speaking generally, where the tenant has to borrow the money which he should pay down, and I do not think they are very anxious. Of course, there are a number of tenants all through Ireland, who have the money and who would be glad to invest it in this way; they may not be a large proportion, but still there are some.

2080. You think there are not a large number?

Not a large proportion.

2081. Still, with regard to that, the money would be of a certain value; what would you put that value at?

If their money was in the bank they would not get more than 1½ or 2 per cent.

2082. Is that where they keep their money; do they not turn it over in their business, or by making loans of another kind?

Some farmers do lend money to their neighbours at a high rate of interest, but there is a certain amount of risk and insecurity about it; and I am told that many keep their money in the bank.

2083. Lord *Brabourne.*] It was stated in the debates upon the Land Bill, I remember, by a Minister, that the amount deposited in Irish banks had enormously increased of late years, the principal depositors being agriculturists; I think he said the deposits had risen in seven or eight years from 7,000,000 *l.* or 8,000,000 *l.* to 30,000,000 *l.*; do you know anything about that?

I could not give you any figures upon that subject.

2084. Have you any doubt of the fact?

I do not know anything about it.

2085. Duke of *Somerset.*] Supposing a tenant to have bought his land, paying this sum of 57 *l.* 10 *s.* a year as you made it out, then supposing he is himself in bad health, and he is obliged to go away from his farm, and wishes to let it; in what position will he be as regards the tenant to whom he lets it; will the tenant then again come under the Act of 1881, or what will happen?

The

The Land Law Act prohibits his letting it except with the consent of the Commission.

2086. He cannot let it?
He cannot let it except with the consent of the Commission.

2087. Then he is in a worse position than ever; because supposing he is in bad health, or has had a paralytic stroke, or something of that kind, and is obliged to go away, what is to happen to his land?
He could sell it.

2088. He might be able to sell, but supposing he cannot sell it, he cannot let it?
I do not suppose that a tenant buying his land would look forward to that; it would be only a possible occurrence, but he might be influenced to some extent by the restrictions which are imposed upon purchasers. He could neither sublet it nor subdivide it without the consent of the Commission, and any breach of those conditions might be followed by the sale of the holding by the Land Commission.

2089. Take another case; supposing the tenant who has purchased his holding dies, and leaves it to his son, and his son is only a lad of 15, and the family wish to let it until the son comes of age, what is to happen then?
If permission were given by the Land Commission to let it, I presume that the proprietor letting it would be in the same position as any other landlord.

2090. He would be under the Act of 1881?
He would be under the Act of 1881.

2091. Lord *Kenry.*] The son could not get possession of it then, could he?
I think he could let it for a term of years certain, with right to resume possession at the end of it.

2092. Marquess of *Abercorn.*] He would have to pay tenant-right, would he not, at the termination of the period for which it was let?
There are restrictions upon his letting it, but there are clauses which exclude the Act by agreement, and a man might let it, excluding the operation of the Act altogether.

2093. Do you find that the tenants who bought from the Church Commission are prosperous or not?
Their condition varies very much; some of them are very prosperous; others are very much embarrassed. Many of them bought at very high prices just at the very best of times, and the depreciation in land generally, and the bad seasons that followed immediately after their buying, embarrassed them very much.

2094. Lord *Kenry.*] Have there been any applications for assistance to purchase fee-farm grants?
I do not think any application of that kind has been lodged.

2095. Earl *Stanhope.*] You were going to make a suggestion just now as to how to get rid of head rents, in order to make lands more saleable. What is your scheme?
I think the existence of those head rents is such a bar to the sale of estates, that if it is desirable to free as much land as possible for sale, it would be very well to deal with it in some way. Apportionment of the head rent would seem to me to be unfair to the owner; he would be brought into contact with persons who would not pay him, as well as the landlord; he would also have the collection of several small sums instead of one sum.

2096. What suggestion do you make with a view to meet that?
The suggestion I should make would be that the Commission, if they buy an estate subject to a head rent, should have power to sell the land in fee to the tenants, discharged of the head rent, taking upon themselves the liability to the head rent. That would be a charge upon the funds of the Commission, or I

suppose it would really be a Government guaranteed security instead of a head rent. It would increase the value of the head rent, but I do not see that it would increase its value at the expense of any person or at the expense of the public. If the owner of the head rent wished to sell it I would give the Commission power to buy it up, but I would limit the price which they might give for such head rents. In that way these head rents would be got rid of without loss to anybody and with some advantage to the owners of them.

2097. How would you limit them; how many years' purchase would you think fair?

Such charges would be saleable in the open market for whatever they would fetch; but if the owner of them applied to the Commission to buy them up I think the Commission should not be empowered to give more, or not much more, than their market value. The market value of head rents is not very high in Ireland.

2098. What is it; how many years' purchase?

I believe, taking them all round, they do not sell for more than 18 years' purchase. In many cases they sell for more, but it is where there are reservations beside the mere money rent.

2099. Lord *Tyrone.*] I suppose you refer to sales effected before the passing of the Act?

Certainly. I have no exact statistics, but from inquiries I have made I believe they do not sell well, and I should limit the amount which the Commission should pay in buying up these head rents to 20 or 21 years' purchase, but I think also that they should be empowered to pay anything for any reservation in addition to the rent which could be shown to have any value. I think it would be well if anything of that kind were done that there should be a scale. A head rent which was well secured should be purchasable by the Commission at a somewhat higher rate than a head rent badly secured. There are many estates subject to a head rent so large as practically to leave very little profit rent. Those would not be worth as much as a head rent secured by a rental of 10 or 20 times its value, and I should make a difference in the rate of purchase of the different head rents according to the security they offered.

2100. Earl *Stanhope.*] May I ask you on that subject, when you were under the Church Commission, what you purchased head rents for?

The Commissioners did not purchase any head rents, but they were the owners of a great number of perpetuity rents. The price fixed by the Act was 25 years' purchase, but they were not found saleable at that price. Some owners of land bought them up, but they were not saleable to the outside public.

2101. Lord *Tyrone.*] Are you of opinion that the creation of a peasant proprietary would be of advantage to Ireland?

I do not think a universal system of peasant proprietary would be necessarily an advantage, but I have always thought that a peasant proprietary scheme was the fairest way in which to settle the great difficulties connected with the land tenure in Ireland.

2102. *Chairman.*] If any arrangement could be made by which the annual instalment payable by the tenant on his purchase could be made not to exceed, or still more, to be less than, his present rent, do you consider that that would lead to a large influx of tenants taking advantage of these clauses?

The more advantageous terms you offer to the tenants the greater will be the number that will buy. It will also necessarily be easier for owners of land to sell, if the terms of re-payment of advances are made more favourable to the borrowers. I think it would be very advantageous to extend the time of repayments to fifty years.

2103. What rate of per-centage would the instalment require to be placed at to enable it to be paid off in that time?

I could not tell you.

2104. Earl *Stanhope.*] Have you any other suggestion to make about these purchase clauses?

I have. Section 25, which empowers limited owners to sell, is practically inefficacious, I think. The Act gives a limited owner absolute power to sell, and to leave one-fourth of the purchase-money out on mortgage with the tenant, but the purchase-money is then made subject to the Lands Clauses Consolidation Act. The provisions of that Act were very suitable to the enforced sale of small parcels, which were always bought at a very high price, and under that Act only small portions of estates were sold, the rest of the estate remaining as before, subject to the limitations and settlements existing beforehand. The estate was not broken up, but this Act contemplates the breaking up of large estates, and the provisions of the Lands Clauses Consolidation Act are wholly unsuitable to it.

2105. Marquess of *Salisbury.*] Which provisions do you refer to?

The provisions of the Lands Clauses Consolidation Act, which regulate and deal with the application of the purchase-money.

2106. The re-investment, do you mean?

The re-investment.

2107. In what direction would you amend them?

I should repeal the 25th section of this Act, and enable limited owners and their trustees to sell and invest in certain specified classes of security without the intervention of the Court of Chancery.

2108. *Chairman.*] I observe in this 25th section of the Land Act, the words, "the promoters of the undertaking shall be construed to mean the tenant." The tenant is to be the promoter of the undertaking?

Yes.

2109. But the promoters of the undertaking in the Lands Clauses Act paid all the costs of the proceedings?

That is so.

2110. Is that burden thrown upon the tenant here?

That burden is thrown upon the tenant here, and that would, if he understood it, deter him from purchasing from a limited owner. It being a question of law of which a tenant could not know himself, it would not deter him, but it would be very unfair to come down on him afterwards for the costs of the re-investment of the purchase-money. Moreover, I think it would be impossible to do so if the landowner sold to a number of small tenants.

2111. Does it mean that the tenant would have to pay the costs of applying to the Court of Chancery for investing three-fourths of the settled money?

Yes.

2112. And that would be the case every time it was necessary to make an application, however often it might be *ad infinitum*?

Yes, but limited by the decisions under the Land Clauses Act.

2113. Marquess of *Salisbury.*] What class of investment would you allow for the reinvestment?

I am not prepared to recommend any investment, but there are many other safe investments in addition to those permitted by the Lands Clauses Consolidation Act, which are merely Consols, Bank Annuities, and Government and real securities.

2114. I presume you think it would be necessary to limit the trustees of a limited owner to a safe class of investment?

Certainly; but I think it would be better still if on the sale of an estate the life tenant could be paid the capitalised value of his interest, and the balance paid to the remainder-man, or invested to accumulate for him.

2115. *Chairman.*] All that would be necessary would be that the money should be paid to the trustees of the settlement to be held on the trusts of the money produced by sale and exchange; is not that so?

But in many cases trustees have not a power of sale; and even if they have the power, I think the trustees would very unwillingly undertake the responsibility of changing investments; therefore it would be safer and more convenient for them simply to allow the money to be paid into the Court of Chancery, as provided by the Lands Clauses Consolidation Act, where the money must remain, unless someone becomes absolutely entitled.

2116. Then these small sums, as you very properly say, would involve expense every time an application was made to the Court of Chancery?
They would. I think the section is wholly unsuitable.

2117. Besides, the Court of Chancery will not take money except in pursuance of an order of the Court, and the tenant must then get the order of the Court, must he not?
Yes.

2118. Earl *Stanhope.*] The Court of Chancery also, as I understand, insists upon title being proved, and for that purpose an estate has first to go into the Landed Estates Office; is not that so?
I do not know that that is the case, because I think if the Commission bought an estate of a limited owner they would have power to pay it into the Court of Chancery. I do not know whether the Court of Chancery could refuse to receive it under those circumstances.

2119. But the Commissioners, as a matter of fact, according to what you have just said, never do buy from an owner; they buy from the Landed Estates Court. The two instances you named were purchases of property from landlords that had passed through the Landed Estates Court?
The Commissioners would buy from any individual owner without the estate passing through the Landed Estates Court, provided the title was satisfactory; but the hardship in this case would be that of a tenant buying from the limited owner, his landlord getting an advance from the Land Commission on his holding, and afterwards being liable to the promoters for the costs of re-investment.

2120. *Chairman.*] In the case you suppose, the Land Commission have got a staff of legal advisers of their own; they must of necessity look into the title deeds for the purpose of seeing that the tenant for life is tenant for life, and has the power to sell under this section; what would be the difficulty of their also taking the obligation of seeing to whom the purchase money should be paid, I mean to what trustees it should be paid, and paying the purchase money. The tenant is a very unsuitable person to do it; the Land Commissioners could do that without any additional expense, could they not?
If the Land Commission bought an estate, they would be in this sense the promoters.

2121. I am putting the case of not buying the estate, but of an agreement between landlord and tenant, the tenant coming to get an advance from the Land Commissioners. They must know the whole transaction then, and the whole of the title. Why should not the purchase money be paid through them to the trustees of the settlement, subject to the trusts?
I do not see any objection to that, but I suppose there is a limitation generally on the investments in which trustees may place the money, and it would be a greater inducement to limited owners to sell if they could receive the capitalised value of their life interest at once.

2122. Lord *Kenry.*] I do not suppose it would be necessary to induce the owners of land to sell, would it. I mean to say, all they would require would be the additional price?
Any price obtainable for land would involve a large diminution of income when invested in Consols or in first class securities.

2123. *Chairman.*] Not always, would it?
Nearly always in Ireland.

2124. Lord *Tyrone.*] Do you refer to the sale price?

The

The sale price at any time. The price of land has never reached the number of years' purchase in Ireland that it has in England.

2125. But according to the price at which you sold land under the Church Temporalities, if that money had been invested in Consols would have produced almost as much as it did under tenants, would it not?

The Church Commissioners' property sold generally at 23 years' purchase. That was taking the average of a great number of properties in many different parts of Ireland; some sold for 50 years' purchase, and others for two or three years' purchase, and the average is only arrived at by taking those very great differences. In the same way you average the price of land in the Landed Estates Court. That is reached in the same way. Some estates have sold at 50 or 60 years' purchase, and there are other cases in which they sold at five, six, seven, or eight years' purchase.

2126. *Chairman.*] How many of such cases were there?

Few extremes, but the average of those extremes is only 21 or 22 years' purchase at the outside in the best of years.

2127. Is it not the case that there were only 37 lots in the whole of the two-and-a-quarter millions that sold for less than 15 years' purchase in the Landed Estates Court?

The two millions-and-a-quarter sold under the Bright Clauses, does your Lordship mean?

2128. Yes, according to the Parliamentary Return?

I am not acquainted with the figures you refer to, but there are numbers of cases in the returns of sales in the Landed Estates Court where the price has been below 15 years' purchase, and many below 20 years' purchase.

2129. Is it not the case that there were 37 lots in all out of the whole of the estates in the Landed Estates Court producing 77,100 *l.* in the whole, that sold for less than 15 years' purchase?

I do not know. Those figures must refer to one particular year, I think. That could not be the whole of the transactions of the Landed Estates Court, for they have sold a very much larger amount than that.

2130. Lord *Kenry.*] Do you know personally any cases in which they sold for less than 15 years' purchase?

I do not recollect any particular instances.

2131. *Chairman.*] You wrote, I think, a letter to one of the newspapers, giving the most conspicuous instances you were acquainted with of land that had sold under 15 years' purchase, did you not?

There was a correspondence going on as to the rate at which lands had sold, and one writer challenged another to produce instances of land being sold at less than 10 years' purchase, I think, or 15 years. I happened to have the returns by me, and, looking at them, I found that there were many cases below the figures mentioned; of course the average is only reached by taking cases very much above the average, reaching in some cases to 63 years' purchase.

2132. But the cases which you selected as instances were out of the Parliamentary Return, were they not, for the years 1875-6-7?

They were.

3133. Did you go through the circumstances of the cases you mentioned?

No; those were returns of land sold subject only to the quit-rent and tithe rentcharge, and show as great variations as the larger returns.

2134. I think one of the cases mentioned was the case of an estate of 1,880 acres in the county Galway?

I do not recollect the circumstances, but I know that the returns are returns of land stated to be only subject to the quit-rent and tithe rentcharge.

2135. You are not aware, I suppose, that that estate was subject to a perpetual annuity of 200 *l.* a year?

I am not aware of it. It is not stated in the return, and in most cases where there are those modifying circumstances it is stated in a note, but those returns purport to be returns of land that are not subject to anything.

2136. So that if that annuity of 200 *l.* a year was taken off, the purchase would be at the rate of 18 years' purchase instead of eight?

I am not aware that the writer who answered my letter referred to the same circumstances; certainly from the returns it would not seem that he did.

2137. I see this is a statement made by a person who says that he was aware of the fact; you have not looked into that case yourself, have you?

No; nor have I the means of looking into it, because the return would indicate that there was no such change on the estate.

2138. Marquess of *Salisbury.*] Would the result of your proposal to enable the limited owner to have his life interest capitalized, and carry it away and do what he liked with it, be to induce him, especially if he was in want of money, to sell the inheritance for a much smaller number of years' purchase than would be justifiable?

I suppose that the parties entitled in reversion would have an opportunity of intervening, and that the estate could not be sold without their concurrence, if they were competent to protect themselves, and if he were not competent he should not receive the capitalised value of his life's interest.

2139. Then you must go to the Court of Chancery in any case or to Landed Estates Court, in order to protect these unrepresented interests, must you not?

I do not see why they should not be protected through the process of sale in the Land Commission Court. It would be possible to give interested parties the power of intervening there as well as before the Court of Chancery.

2140. *Chairman.*] But if the parties consent to divide, they may do it without the Court at all, may they not. If they are competent to take care of themselves, and if the proceeding depends upon their consent, they can do that without the Court, cannot they?

I do not think they could do so in the case of sales by limited owners. As far as I understand the Act, the money must be paid into the Court of Chancery, and must there remain, no matter what the parties wish, until it could be paid to the parties entitled.

2141. You used the expression, "If able to protect themselves," that is, if they are *sui juris*, if the tenants in remainder are able to protect themselves, in that sense they may divide it in any way they please, may they not?

In that case there would be no use in the suggestion I have made.

2142. With reference to a sale in the Landed Estates Court, perhaps you remember the case of the estate of one Bury?

Yes.

2143. Do you recollect the case of a lot on that estate which the tenant was desirous of purchasing, and applied to know what advance would be made for the purpose of purchasing it through your Court?

I recollect the case, but I do not recollect the tenant, because I have never seen the tenant. The solicitor having the carriage of the sale of the estate came to see me in my office.

2144. What was his name?

Daniel, I think. He told me the tenant had agreed to give 1,000 *l.*

2145. You mean he bid at the sale 1,000 *l.* It was to be sold in the Landed Estates Court, was it not?

It was, but I suppose he would have bid the same, because, practically, it was understood there would be no bidding against the tenant, who was a woman. She had reduced the amount to 900 *l.*; I do not think I ever saw the tenant, but I told the solicitor that we should have an application from the tenant, and if possible, a personal interview with her, because the price to be paid, which was 30 years' purchase, seemed exceedingly high.

2146. Would

2146. Would that be 30 years' purchase?
Thirty years' purchase of the profit rent. There was a profit rent on the estate; it was not a fee simple. The amount asked for was sanctioned and advanced to her; at the sale there was an adverse bidder, and the price rose to 1,000 *l.*

2247. The property was held under lease, was it not?
The property was held under lease.

2148. And according to the memorandum which I have, the rent was 53 *l.* 14 *s.* 6 *d.*, with a head rent of 18 *l.* 9 *s.* 3 *d.*; is that so?
I am sure the figures are right, though I do not remember them.

2149. Would that be about 30 years' purchase, the rent being 53 *l.* 14 *s.* 6 *d.*, and the head rent, 18 *l.* 9 *s.* 3 *d.*?
I recollect there was an allegation made that I had endeavoured to depreciate the value of the landlord's property, but what I did was this; I thought it right that as the solicitor professed to act for both landlord and tenant, the tenant herself should appear before us.

2150. Then the tenant ultimately purchased, I believe?
The tenant ultimately purchased at 1,000 *l.*

2151. And what advance was made to her?
Three-fourths of the purchase-money. The amount sanctioned first was three-fourths of the 900 *l.*, which she said she would bid, and on her bidding the 1,000 *l.* a further advance was made.

2152. Lord *Tyrone.*] Was a less sum than three-fourths offered her at first?
The sum she asked for in each case was granted. She first asked for the lesser sum, intending to bid only 900 *l.*, and then subsequently she increased the amount.

2153. *Chairman.*] One more question I should like to ask you on a subject which we have passed from. You spoke of the principle on which you had valued, and I understood you to say that you did not take into account the market or the competitive value of the land; is that so?
Does your Lordship mean for the purpose of sales or lettings?

2154. For the purpose of fixing a judicial rent?
The competition value is of course an element. It is very difficult to get statistics of the competition value of lands for letting, because the competition for farms in Ireland usually arises in the sale of tenant-right, and is a matter of the sale and purchase of the tenant's interest. Of course I do take into consideration, to some extent, what land would fetch if put up to competition, but I do not think that a landlord ought to let his land, or that he would be wise in his own interest in doing so at the highest rent that would be offered if it was put up to competition.

2155. Then you did not mean to say that it was not an element?
Certainly not.

2156. It is an element in the valuation?
Certainly.

2157. Earl *Stanhope.*] You said, when you first came into the room, that you were particularly answerable for carrying out this part of the Land Act of 1881?
Yes.

2158. I want to ask you whether the Land Commission has applied to the Treasury for loans, either for the purpose of emigration or for the reclamation of waste land under Clause 31?
The Commission have nothing to do with the reclamation of waste land.

2159. Clause 31 is, that loans may be advanced by the Treasury for the reclamation of waste land, and also for the general purposes of agricultural improvement;

provement; I want to know whether your Commission had anything to do under that clause?

We have nothing to do with the reclamation of land; that is altogether in the hands of the Board of Works. With regard to emigration, the Commissioners have done nothing at all at present. They have no power to advance money except to an estate, colony, or public bodies, or some one authorized by such bodies, who submits to them an agreement which would comply with the conditions of the Act. The Commissioners have had communications from numbers of people in different parts of Ireland, showing that there are great numbers of people anxious to emigrate.

2160. Marquess of *Salisbury*.] Have you any idea how many?
No; I have no idea whatever.

2161. *Chairman*.] Is the emigration scheme under your charge?
It is.

2162. Earl *Stanhope*.] If you have had these applications, why have you not been able to grant them?

Because we have not had applications from anybody but private individuals. I have here the circular by which we reply to the applications of certain individuals. (*The same is handed in.*)

2163. Marquess of *Salisbury*.] Can you give no idea of the number who desire to emigrate under these clauses?

I should have no means whatever of knowing that. I thought boards of guardians might be considered public bodies, and that possibly any action taken under the Emigration Clauses would be through boards of guardians. We have had correspondence with one or two boards of guardians or individual guardians upon the subject; but it appears now that boards of guardians could not borrow money from the Land Commission under this section for emigration purposes.

2164. *Chairman*.] Why is that?

There are limitations in the Poor Law Acts which would prevent them being considered public bodies under this Section.

2165. Duke of *Norfolk*.] Do you mean that private applications are made, and no record kept of them?

The letters are all filed; but as we can do nothing with them we merely answer them by sending the circular.

2166. You could answer them otherwise?

I do not think we could, because the letters written to us are very often vague, simply saying the number of families, or that there are several families wishing to emigrate.

2167. Lord *Brabourne*.] Can you suggest any alteration in the 32nd clause, which would make emigration likely to be more generally adopted, or adopted at all?

I think that the question of emigration is totally foreign to the subject dealt with in the Land Commission, and that it is intimately connected with the administration of the Poor Law. I think any emigration scheme, to be made effectual, should be worked through the Poor Law Board and the poor law guardians. If the poor law guardians, in any district, were known to have power to assist people to emigrate, public opinion in that district, or the people who wanted to emigrate, would compel them to act. Now they can do nothing at all under this emigration clause, even if they borrow the money from the Land Commission. The public generally think it is the Land Commission who are to act in the matter of emigration, and therefore public opinion is not brought to bear upon the boards of guardians; and I should suggest the emigration powers being transferred entirely to the boards of guardians, subject to the control of the Local Government Board.

2168. Marquess of *Salisbury*.] Do you think the boards of guardians would act at all?

I think they would.

2169. Lord

2169. Lord *Brabourne.*] I understand you not to wish this clause to be amended, but to be made part of another Bill, because you think that it is out of place in its present position?

I think it is out of place in its present position, and that as drawn at present it is not likely to operate, even if the powers were transferred to the boards of guardians.

2170. Earl *Stanhope.*] When you heard under this Section 32 that there was a great number of people wishing to emigrate, did you then communicate with the board of guardians in that district, saying, is that the case, and do you wish us to act, or what step did you take?

The only case which I can recall to my recollection is that of a great number of families being mentioned to us as in a state of destitution and anxious to emigrate. The letter was sent on to the Irish Government, and their attention was drawn to the fact that the Land Commission had no power to deal with those people at all.

2171. Earl of *Pembroke and Montgomery.*] Is it not the case that the board of guardians labour under the difficulty that they cannot bind their successors; have you heard that?

I believe there is some point of that kind. They cannot pledge the rates, in fact, and would have no security to offer to the Commission therefore.

2172. Viscount *Hutchinson.*] You are aware, of course, that last year there was a good deal of talk about emigration to Canada and the colonies, and that it was suggested by the Governments of those colonies that they should be met half-way by people promoting emigration at home. Under the present state of things, and supposing the board of guardians to be the sole body to undertake anything of the sort, I do not suppose they would have the power to enter into any binding arrangement; for instance, to send colonists out to Quebec, and bind themselves to pay their expenses so far; I mean no satisfactory arrangement to the Government of Canada, to take an instance?

I do not think they would. I think that additional power should be given to boards of guardians to deal with the question, and I think there will always be great difficulty in getting families, as contemplated by this section, to emigrate. The young and able-bodied are most anxious to go in numbers, but old people, and those who are encumbered with young families, of course would hesitate to go. I think that boards of guardians should be empowered to acquire the tenant-right interests of any tenants in thickly populated districts who are anxious to emigrate. That would be some security to the rates. If a man living on a very small plot of land wished to emigrate with his family, and the board of guardians paid his passage, and at the same time acquired any interest he had in that small plot of land, it would, to some extent, tend to relieve the rates there.

2173. Do you mean that to purchase his interest would relieve the rates?

Yes; the man could sell his interest, perhaps, and go with the purchase-money; but the sale of his interest might not give him enough to go with his whole family. The board of guardians might assist him to go, and acquire his interest.

2174. Lord *Brabourne.*] Surely that would raise the poor rates very considerably in that district, would it not?

The object of that would be to save the poor rates.

1275. I do not see exactly how the purchase of the tenant-right would save the poor rates?

If they paid anything towards his emigration it would be for the purpose of eventually relieving the rates.

1276. But the immediate result would be to increase the poor rate for the time?

Certainly. In some cases boards of guardians have power now to assist

individuals to emigrate. That is an immediate charge on the rates, but ultimately a relief. In this case it would be an immediate charge on the rates, but would be relieved at once by their acquiring his tenant-right interest and re-selling it.

2177. *Chairman.*] Do you think that boards of guardians would be safe dealers in buying and selling land at the expense of the ratepayers?

I think they are the only public bodies available for the purpose.

2178. Marquess of *Salisbury.*] Is not their political instinct at present very much averse to emigration?

I think that generally speaking there is an aversion to any general scheme of emigration if people think there is an attempt to force emigration upon them; but where there are numbers of people anxious to go, I think the boards of guardians would be most anxious to co-operate and assist them to go.

2179. Are not the boards of guardians to a great extent in the hands of those who discourage emigration?

They are. I know a gentleman who is a member of a poor law board in the South of Ireland, a man who was foremost in advocating an application to the Land Commission for a loan for the purpose of emigration, and at the same time a member of the Land League.

2180. Lord *Tyrone.*] To go back to the Purchase Clauses; did not you say in examination before Mr. Shaw Lefevre's Committee, that four-fifths of the purchase-money might be lent with safety?

I do not recollect exactly what I said; but I think anybody entrusted with the power of lending money to tenants, as under the Land Law of 1881, might be trusted to lend as much as they thought would be well secured, without any limitation whatever. I think in many cases it would be well to lend the whole, and that it would be very wrong to lend it if it were not well secured.

2181. The security of the tenant's interest, as well as the landlord's interest in it, would add to the security of the Commissioners, would it not?

It would.

2182. *Chairman.*] It would be a margin in itself?

Yes.

2183. And in some parts of the country a very large margin?

In some parts of the country a very large margin. I think there are many cases where I have known tenants purchase their holding in which it would have been perfectly safe to lend them the whole money.

2184. Lord *Tyrone.*] And you think it should be left to the Chief Commissioners of the Land Commission to judge whether they should advance the whole amount or not?

I do. I think it would make their duties much more difficult; but if they exercised the power with judgment the money would not be in the least insecure.

2185. Marquess of *Salisbury.*] Do you know whether at the present time the "no rent" movement has applied to any of those instalments?

I am not aware. I am almost certain that there has nothing of the kind occurred.

2186. The instalments are paid in spite of the "no rent" movement?

They have not been affected at all by the "no rent" movement.

2187. *Chairman.*] There were certain indulgencies allowed, were there not?

In the bad time as much time was given as the Commissioners thought they safely could give.

2188. Lord *Tyrone.*] If the whole of the purchase-money were advanced, and the time spread over a greater number of years, do you think there would be a large increase in the number of tenants who would be prepared to purchase?

Yes

Yes, I think there would, and if it is desirable politically to adopt any principle of that kind, I think it should be done on a liberal scale, and that the operation would then be not so much one of purchase, but a conversion of the tenancies into ownerships.

2189. *Chairman.*] That is a more proper word by which to describe it?
I think so. There would be no objection to do it on a large and liberal scale, so long as care was taken that the annuity secured on the land was not too large to be safe.

2190. Lord *Tyrone.*] I think you said in your evidence before the same Committee that increasing the number of peasant proprietors would improve the state of the country?
I think one of the causes of the difficulty that has existed during the last year or two is that you have an enormous class of tenants interested in tenancy, and not ownership, as against the landlords; the classes are not fairly balanced.

2191. Would it not be a great element if this idea were carried out in reducing the block before the Land Courts at present?
Certainly; I think if favourable terms were offered to the tenants, that many would purchase instead of involving themselves in litigation about rent.

2192. You said, in your evidence before the Church Temporalities Committee, that the glebe lands which were sold were let high, as regards the average of the rest of Ireland?
The rents of the glebe lands generally were high.

2193. Yet those glebe lands sold at an average of 23¾ years' purchase, did they not?
They did; but it must be taken into account that, in making out that average, some of the estates were let very low, particularly some of the see lands, and they were sold in just the very best years that have occurred for a long time.

2194. Did you make the valuations for these sales?
A great number of them; the greater part of them.

2195. I think, judging by the Report of the Church Commissioners, your valuation gave them great satisfaction?
I do not know whether they say so in their Report; but I believe it did.

2196. They also say, in this Report, that they are satisfied that the sales were made at a fair rate of purchase-money?
I think that the sales were made at the best price that was obtainable. It was the duty of the Church Commissioners not only to sell it at a fair price, but to realise the market value of the property; and I endeavoured to set upon each estate or each holding what I thought it would fetch in the open market.

2197. I think you said, in reply to a noble Lord just now, that those tenants who have purchased have paid their instalments regularly?
They have, with very few exceptions, paid their instalments. I might also mention that a great number of tenants bought, paying the whole purchase-money down, and that, in any scheme for conversion of tenancy into ownership, or for lending a large proportion of money, it must be expected that there will be always some persons who will pay all the money down, or part of the money down, and also that many tenants will prepay the annuities for the purpose of reducing their instalments. Such prepayment is contemplated already by some of those who have bought from the Land Commission. They hope and expect, after a few years, to pay something on account, and thereby reduce the instalments. Any operation of that kind, on a large scale, would not mean that you would have all these people with the same interest in land, and, therefore, likely to combine together to avoid payment. Some would be so deeply pledged that they would not think of doing so.

2198. The tenants who purchased under these sales are, in making up their instalments and taxes, paying more than their old rent now under the Church Commissioners?

In most cases I should think they were; but in some cases they are paying less. You must remember that the Commissioners were paid one quarter of the purchase-money down. In some cases the tenants had it by them, in other cases they borrowed it; but their payments to the Land Commission are somewhat less than their own rent, because they are only paying interest on three-quarters of the whole purchase-money.

2199. Something less than their old rent?

Yes.

2200. But not generally, if they are paying interest on the money?

Not if they are paying interest on the money; but that is a thing of which we have no knowledge. Some of them had the money.

2201. Do you consider that those who had not the money are going on prosperously?

Many of those who borrowed the money are not going on prosperously. They have been involved in great difficulties by having borrowed at high rates of interest. Many are involved in great difficulties owing to legal expenses attendant on all dealings with land. For instance, men borrowed the proportion of purchase-money they had to pay down. Within a year or two that was called in, and they had to pay off that mortgage and borrow the money elsewhere, and give another mortgage. That involved them in very great expense.

2202. What was your reason for fixing such a high average of price as regards the Encumbered Estates Court as 23¾ years upon these holdings. Was it because you considered it a fair selling value?

As regards the Church holdings, each estate was valued separately, and I set upon it what I thought it would fetch in the open market. Where the estates were not sold to the tenants, and put up for sale to the public, my valuation was generally justified by the fact that outsiders offered the same prices that I had put upon them, or very nearly so.

2203. If land was sold in the Encumbered Estates Court at an average of that purchase-money, would you presume that it was let fairly for the value?

For land sold in the Landed Estates Court, the price realised was a little less, and the average obtained was taken over a series of years.

2204. Viscount *Hutchinson.*] Did you find that the tenant gave more than the outside public?

I think so. I think the price was a little raised by the fact that the money was lent to the tenants at 4 per cent. They might then buy at a higher price than if the land had been sold in the open market to an outside purchaser.

2205. They would not give much over the market value for the sake of becoming owner?

Irish tenants in transactions of that kind during the past 10 years have been ready to give a great deal more than the market price. Under the Bright Clauses all the tenants paid considerably above the average price obtained for lots sold to the public.

2206. Marquess of *Salisbury.*] What do you think is the motive influencing them; is it the sentiment of possessing land or a desire to secure themselves against a rise of rent?

I think, during those years, one strong motive was to secure themselves against an increase of rent. There is also no doubt that many men prefer being owners of their farms and homes instead of being tenants.

2207. Do you think they feel that strongly in Ireland?
Very strongly. I think it pervades all classes. I know that I prefer living in a house of my own to hiring a house.

2208. Lord *Tyrone.*] If the land that you sold at that rate of purchase were to come into the market now, have you any idea what it would fetch?
I can hardly give an opinion upon that subject, but it certainly would not now fetch the price that it fetched then. Times are changed immensely. In those years during which we sold most of the property, tenants were able to borrow the money which they had to pay down, with very great ease. There was a great deal of money to be got on cheap terms. They could not get that now.

2209. Viscount *Hutchinson.*] You think tenants' facilities for borrowing are diminished rather than increased?
There is not the same amount of money to be lent in the country.

2210. Apart from that, do you not think that under the Act of 1881, the tenant has a greater security to borrow money upon than he ever had before?
Yes, he has a better security; but on the other hand, money will not be so readily lent upon land at present.

2211. That is owing to the state of the country, possibly?
It is owing to various causes combined, partly political, and partly owing to the depression that has prevailed over the whole kingdom.

2212. Do you think that the depression you alluded to previously in your evidence arose partly from American competition and partly from other causes?
I do. So far as I have been able to learn, in England the depression and adverse seasons have affected the English farmers very greatly.

2213. Lord *Brabourne.*] Then neither to landlord nor tenant is land so good a security as it has been in past years, you think?
I do not think it is.

2214. Lord *Tyrone.*] In answer to Question 740, you said that your experience in regard to land in Ireland was that nine-tenths of the tenants pay their rents and make savings from year to year. Do you remember that answer?
I do not remember the answer; but I think as a rule, rents have been uncommonly well paid in Ireland up to the present agitation, and very often well paid in the districts where the farms were smallest.

2215. Would not that be a proof that the land in Ireland was fairly let?
A great deal of the saving that is done by Irish farmers is done by their living in a most miserable and penurious way. My own idea is that most Irish farmers are exceedingly thrifty and excessively penurious.

2216. If a man is able to live and pay his rent and put by money, is not that a proof that, more or less, he is thriving, in any profession?
I think it is. But you must recollect with regard to this answer of mine, that I was speaking of a time when the circumstances of all agriculturists were very different to what they are now, and my experience did not extend to previous terms of bad years; but I have no doubt that many farmers do save a little, and that the agricultural classes generally have grown richer during the last 15 or 20 years than they were previously. Of course they have met with a very heavy reverse in 1878 and 1879. A very large quantity of farming capital was destroyed. I know many men who lost their whole stock in 1879; that is to say, they used it to pay their debts and rent. That has left them in a state from which they will not recover for many years.

2217. You stated, I think, to the Committee that you were head of the department which had to do with the Purchase Clauses of the Land Act of 1881?
Yes.

2218. There is a pamphlet which has come before our notice about how to become owner of a farm; did that pamphlet come before you as head of the department; I ask you, because it refers to that particular department?

No, it did not come before me.

2219. You never heard anything about it before it was circulated?

Yes, I heard about it; but I may say I had nothing to do with it. I heard of it in the same way as I might hear of multitudes of things in the office; otherwise, I had nothing to do with it.

2220. Would it not be the duty of the official who wrote it to put it before you as the head of the department?

No, I do not think it would. The solicitor is a higher-paid officer than I am, and I suppose he would rank as my superior officer; at any rate, his pay is better, but he would not be in the least bound to consult me about any business of that kind.

2221. Viscount *Hutchinson.*] You have seen the pamphlet, I suppose?

I have; and I may say I knew perfectly well who wrote it, but otherwise I had no responsibility for it.

2222. I suppose you have seen it in the two forms; the original form in which it was when it left the "Freeman's Journal," and the subsequent form it was in when it left the office?

I have seen its outside, but never read the pamphlet except in the shape of the original articles in which it appeared in the papers.

2223. Marquess of *Salisbury.*] Supposing there were an extensive purchase of those large properties by aid of the loans of the Government, is it your belief that the Government would expose itself to the risk of greater unpopularity than it does now by pressing for the instalments; would the change from rent to instalments cause a large amount of unpopularity to the Government?

I do not think the unpopularity of the Government in Ireland could be very much increased. I think the whole question of the collection of instalments would depend upon whether the purchases were made on such terms as to make the instalments easily repayable.

2224. You mean easily to the tenant?

Easily to the tenant. That is to say, if tenants buy at too high prices and have to pay too high prices, the instalments of course will be difficult of collection.

2225. Lord *Kenry.*] But suppose that the instalment was not higher than the rent, they would just as soon pay the instalment to the Government as the rent to the landlord, would they not?

More readily, I think. I think the judicial rents in future, if low, will be easily collected, but if high they will be difficult of collection.

2226. Lord *Brabourne.*] I should like to put to you the converse of the proposition that was put just now. Do you think that the unpopularity of the Government could be easily decreased by any further gifts to the tenants, or any further measures?

I think it could. I think a change of policy would probably alter the temper of the people in Ireland, and I think Ireland is capable of being made an attached and integral part of the United Kingdom.

2227. Lord *Kenry.*] I should like to ask you your own opinion as to the fact of tenant-farmers having been able to pay their rent and lay up money; is that caused at all by the very low standard of comfort they live in?

I think it is.

2228. They live very poorly, in your opinion, considering their circumstances?

They do.

2229. Earl of *Pembroke and Montgomery.*] You talk about land in Ireland having become unsaleable; is not untenanted land, or land not let, just as saleable now as ever?

I do not think it is quite so saleable, but still it is saleable.

2230. It would be more difficult to dispose of, you think, would it not, at a fair price?

I think there would be some difficulty, but of course it would be much more saleable than land with tenants upon it.

2231. Marquess of *Salisbury.*] The price of the land, I suppose, has fallen like the price of rent?

It has fallen because there are not so many people ready to invest in land in Ireland.

2232. Viscount *Hutchinson.*] With regard to the Purchase Clauses, I understand that the applications come into you, but the ultimate decision as to the merits, and what sum of money should be advanced, and this, that, and the other, rests not with yourself but with the Commissioners?

It does.

2233. You have told us at present that there are not many applications, but it is hoped they will increase. Do you think the Land Commission, as at present constituted, with this enormous number of cases coming into Court every day, and increasing every day, is physically able to undertake both the regulation of matters under the Purchase Clauses and the regulation of matters under the Fair Rent Clauses?

I think it would be very desirable if an extension of the Purchase Clauses is contemplated, or if a large amount of business of that kind came in to the Land Commission that there should be another body to deal with it. Of course I see great difficulties in creating other boards, but I think the time of the Commissioners will be taken up very largely with the hearing of rent appeals and other business.

2234. How long do you think they will be in disposing of the first cycle of rent appeals?

I have not made any estimate of the time they take, nor have I any figures which would enable me to do so.

2235. At any rate, for the present there is no likelihood of their work being very light in that department?

No, I should think they would be very fully occupied. When an application comes in, the process is this: As soon as it is ascertained to be correct and reported upon by myself or my assistants, and we make a recommendation, it is brought to the Commissioners to approve ordisprove of it, or to direct further steps, and nothing can be done till they make an order to advance the money.

2236. And it is done by them all sitting together, I suppose?

No, it is brought to whichever Commissioner happens to be in the office.

2237. And does he consult his colleagues?

If it were a case where it was necessary to consult them he would.

2238. But in an ordinary case, where there was no question about it, he would grant it on his own responsibility?

He would.

2239. Do you look upon the safeguards under the Act against sub-division, in the case of persons who purchase their holdings, as adequate?

No, I do not think they are adequate; and if I might say a word as to the future dealing with those small proprietors, if they should be created, I think it most desirable that the system of record of title should be applied to those small properties, and that the record of their title should be kept in the Land Commissioners' office as long as they are subject to any payment to the Land Commission, for two reasons; First, the record of title system would, I think, make

make the properties more valuable. They would be more easily transferable, and therefore be better security for an advance. If the tenant wanted to sell, he would be exempt from the costs now attendant upon the transfer of small properties which are very heavy; and secondly, the Land Commissioners would be in a position to know what was done with the property in the case of the death of the owner.

2240. *Chairman.*] Do you mean in place of the record of title being in the Record Office, that it should be in the Office of the Land Commissioners?

No property can be placed on the record of title, unless it is sold in the Landed Estates Court. Therefore most of the properties cannot be placed upon the record of title, but I think there should be a record of the title kept in the Land Commission Office, and that all transfers should be effected there so long as they are subject to any charge to the State. It would vastly improve the security.

2241. You would have to do more than that; you would have to prevent it getting into the other office, would you not?

Certainly; I should make it compulsory, and also prohibit the creation of limited estates. I suppose that they should be allowed to charge their properties to any extent they like, but not to create limited estates in them. I think that is essential to the prosperity of these small owners in future. Every time that there is any dealing in any way with these small properties, the expense the tenants are put to is very heavy, and it would also be a protection against sub-division. It seems to me the present provisions against sub-division are not sufficient. The provisions are that the holding shall not be sub-divided or let without the consent of the Land Commission. The Land Commission might have no means of knowing that. If "on the decease of the proprietor, the holding would by reason of any devise, bequest, intestacy, or otherwise, become sub-divided, the Land Commission may require the holding to be sold within 12 months after the death of the proprietor." But they may not know of it until long after 12 months. Therefore I think those provisions are quite insufficient.

2242. Viscount *Hutchinson.*] Do you think that provision of record title would be an adequate safeguard?

I think it would be a safeguard, because the sub-division in case of death and intestacy or bequest would necessarily become known to them.

2243. *Chairman.*] I do not quite understand what you propose. Is it that there should be opened in the Land Commissioners' Court, a separate record of the title of the estates sold in this way?

Yes.

2244. Which might, if the thing succeeded, cover a very large part of the land of Ireland?

Yes, I think that the title of every holding should be recorded there, and every transfer made in the Commissioners' books.

2245. After a certain length of time that might bring the record of title of the greater part of Ireland into the Land Commissioners' Court?

I think arrangements should be made by keeping the books in counties or unions for its future transfer to localities, so that there should be a local registry in future, and that every holding should be shown upon the Ordnance map. As it is now, every holding that is sold is marked on a set of maps of Ireland, which we have in the office, and can be identified at any moment.

2246. Would not your purpose be answered if, when any purchase is made, it was required that it should be entered in the Record of Title Office, and provisions made to enable it to be entered there, and then that any dealings should take place with regard to it without notice to the Land Commissioners, so that they might interfere, intervene, and object if necessary?

I think it would be most desirable to prohibit the creation of limited estates. The present Record of Title Act would not be sufficient, and as a commencement,

as long as there is a charge due to the Land Commission I would keep the record in their books; but the system of recording it in the Record of Title Office would be very desirable if the other suggestion was not adopted.

2247. Marquess of *Salisbury.*] Would you forbid the creation of joint estates?

I do not know that I quite understand what joint estates are.

2248. Estates owned by two people?

That is a point I have not considered.

2249. *Chairman.*] What extent of dealing would you allow? Suppose a man dies and has three sons and a widow; he wants to provide for his widow; would you allow him to divide the property between the three sons?

So long as it is subject to a charge, I think the provision that it should not be divided without the consent of the Land Commission should subsist. Otherwise I think he should be allowed to charge it with capital sums to any extent he chooses. If he overcharged it it would end in its being sold.

2250. Viscount *Hutchinson.*] Do you mean during the time it was subject to the Land Commission charge?

It would not affect the Land Commission security, because their charge would have priority over all others.

2251. *Chairman.*] I want to ask you a question about the subject of arrears; has that come under your attention at all, as regards the extent to which the provisions in the Act as to arrears are being availed of?

No, I have had nothing to do with the question of arrears.

2252. You do not know anything about that subject.

No.

2253. Viscount *Hutchinson.*] Have you ever considered the advisability, in the case of any large number of sales being effected under the Land Act, of an intermediary between the State and the purchaser to advance money, and whether any scheme would be practicable, like what takes place in Prussia?

I have thought about the question, but I do not see how any arrangement such as you speak of could be made.

2254. Why not?

I do not know exactly what took place in Prussia.

2255. There was a system by which the banks advanced money to tenants?

The banks now can advance money to tenants if they like to do so; but there is a certain amount of difficulty in making an advance upon landed security, because it is not easily realisable.

2256. In the event of money being found by the State to enable tenants to pay so much of the purchase-money on their holdings, there would be a certain State guarantee, would there not, which would strengthen the security very materially?

A State guarantee of the title?

2257. Supposing these banks to advance the money on debentures under State guarantee, the security would be good enough then, would it not?

I think it would be much more desirable to do that directly instead of indirectly, and allow the Land Commission, or any body carrying out this operation, to borrow money in Ireland on debentures, and use it for the purpose of extending their operations. I think that would be a most desirable thing. In fact, they would act like a building society; they would receive money on deposit. I should propose that instead of a simple deposit receipt they should give a bond which would be transferable from hand to hand, issued in small amounts, with coupons attached, cashable at all the post offices. That would induce people in Ireland to invest in that security which would give them an interest in the whole arrangement.

2258. In a time like this they would fluctuate, and be rather low, probably?
They would fluctuate, but that would not affect the Land Commission. They might be saleable at a premium at one time.

2259. It might affect the seller very much, might it not?
It might; but if they were guaranteed by Government; in fact, if issued by the Land Commission, they would be practically guaranteed by the State, and they would not be likely to fluctuate more than Consols. They would not be secured upon the land; you could not have them secured upon each parcel or each estate.

The Witness is directed to withdraw.

*Ordered,* That this Committee be adjourned to Friday next, at Twelve o'clock.

# *Die Veneris, 24° Martii,* 1882.

## LORDS PRESENT:

| | |
|---|---|
| Duke of NORFOLK. | Earl CAIRNS. |
| Duke of SOMERSET. | Viscount HUTCHINSON. |
| Marquess of SALISBURY. | Lord TYRONE. |
| Marquess of ABERCORN. | Lord CARYSFORT. |
| Earl of PEMBROKE and MONTGOMERY. | Lord KENRY. |
| Earl STANHOPE. | Lord BRABOURNE. |

THE EARL CAIRNS, IN THE CHAIR.

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MR. GEORGE FOTTRELL, JUN., is called in; and Examined, as follows:

2260. *Chairman.*] You are, I believe, a solicitor in large practice, conveyancing and otherwise, in Dublin?
I am.

2261. In the course of your practice you have had large dealings, we understand, in lending money on estates?
I had considerable business in that way.

2262. And you were appointed Solicitor to the Land Commission?
I was.

2263. Was that for a term, or generally?
The wording of the Act is, I believe, for the term of the Commission; but the Minute appointing me does not state exactly whether my appointment was for life, or whether it was a temporary appointment.

2264. What were the duties of your office as Solicitor to the Commission?
In the first instance, I assisted in drawing all the rules that were drawn by the Commission, and in drafting the forms, especially the forms connected with the Arrears Clause and with the Purchase Clauses.

2265. Were those the two departments that were specially under your care?
They were. The first matter given to me was the carrying out of the Purchase Clauses, and then when the Purchase Clauses were found not to work very rapidly, and, as the other departments were extremely busy, the Commissioners asked me to take charge of the arrears section.

2266. Who was the head of the department connected with the arrears?
There was no special department created for it; it was put under my charge.

2267. We understood that Mr. O'Brien was the head of the department connected with the Purchase Clauses?
Yes, he had charge of all the valuations and the proceedings up to the date when they would be given to me with a view of their being carried out.

2268. You had charge of the legal proceedings connected with them, had you?
Yes.

2269. As those were your departments, we will, if you please, take the question of arrears first in order to get rid of it before we proceed to the question of purchase. Will you give the Committee an account of the procedure which was adopted by the Commission with regard to advances on the score of arrears?

The first thing required was the filling up of the form No. 49, which is mentioned in the rules.

2270. Was that a form to be filled up by the landlord?

Filled up by the landlord and signed both by the landlord or his agent and by the tenant. I believe all the forms have been already handed in by Mr. Godley. The schedule to that form set out the townland, the names of all the tenants, the area, poor law valuation, amount of arrears due, amount of the advance applied for, and the sum which would be added to the tenant's rent, pursuant to the section in repayment of the advance. When the form came in a notification was sent to each tenant included in the schedule, stating that an application had been made for so much in reference to his holding, and that if no objection was received from him within a certain time (a fortnight, I think it is), the advance would be made, and then his holding would be charged with the instalments in repayment of the advance.

2271. Viscount *Hutchinson.*] Is there any particular form of notification?

There is.

2272. *Chairman.*] How many applications were made altogether for advances on this head?

I left the Land Commission on the 14th of February. That is the date of my resignation, I think, and up to that date the applications were ridiculously few, but at the end of the month, on the 28th of February, a much larger number came in.

2273. What was the date when the time expired?

The 28th of February.

2274. You speak now up to the 14th of February?

Yes; but I have made enquiry since and have ascertained that the total number of applications that came in up to the 28th of February, that is covering the entire period, was 534.

2275. Do you know for what amounts those applications were made?

I do. The number of tenants whose holdings where comprised in those applications was 6,335.

2276. It was not 534 tenancies?

No, that was the number of applications; several tenancies may be set out in each application. The amount of arrears set forth as due was about 84,000 *l.*

2277. That is the whole amount of arrears due?

That is the whole amount of arrears due, and the whole amount applied for was 32,000 *l.*

2278. Do you know how much has been granted upon those applications?

I do not think they have been got through yet. It is a very troublesome proceeding, and I think the probability is that the Commissioners have not issued any money, or very little money, at all events, on the bulk of them.

2279. They are under consideration still?

Yes. These applications show that the average rent of the tenants in respect of whom an advance was sought was probably about 6 *l.*

2280. Are there any materials which would show what is the probable sum due altogether for arrears of rent in Ireland at present?

I made inquiries about that before I came over here. There is no such thing of course as public statistics that can be got upon the point, but from the inquiries I have made I believe the arrears due upon holdings valued under 30 *l.* up to May 1881 would not probably amount to more than seven or eight millions.

2281. And

2281. And the total amount of arrears here covered is 84,000 *l.*?
Yes.

2282. Supposing those figures to be accurate, to what do you attribute the circumstance that such a comparatively small amount of arrears became the subject of those applications?
There were difficulties both in the way of the tenant and in the way of the landlord. The tenant, I think, considered that he had a hard task enough to pay his rent, and that the addition of eight and-a-half per cent. would be a burden beyond his strength, and therefore he did not wish to apply. The landlord, I think, on the other hand, thought that although the money might be obtained and the tenant induced to sign the schedule, still the tenant would very probably not pay the instalments, and that ultimately the repayment of the instalments would fall upon the landlord himself. That is the opinion given to me by several land agents and persons of experience with whom I have spoken upon the subject.

2283. Viscount *Hutchinson.*] How many million do you say the arrears of rent amount to?
I should think probably about seven millions. I mean arrears due on holdings valued under 30 *l.*

2284. A large proportion of the tenants in arrear would not be paid by this particular clause, which only applies to tenancies under a certain value?
I think probably there are 7,000,000 *l.* of arrears due on those tenancies. I will tell your Lordship how I made that out; I took the Return which was made in 1881 to the House of Commons [c. 2934].

2285. *Chairman.*] What is that Return about?
It is a Return showing the number of agricultural holdings in each county in Ireland, and the values of them. That Return is, I believe, inaccurate in some respects; that is, the total number of holdings set out there is considerably in excess of the real number. This is a Return made by the clerks of the poor law unions; it shows that the total holdings of all valuations was 660,000. I believe the real numbers, from inquiries I made at the Registrar General's and the General Valuation Office, to be somewhere about 520,000; I took the average given here, and the number of holdings under each valuation given here, and multiplied them by the average valuation; for example, the first figure given is the number of holdings of 4 *l.* and under, I multiply that by 2 *l.*; the next is over 4 *l.* and at or under 10 *l.*; I multiply that by 7 *l.*, which was the average, and so on. By that means I made out that the total valuation of those holdings, according to these figures, would be 4,765,000 *l.* But I am told that, in consequence of the mistakes which I have spoken of in this Return, this is an exaggerated estimate, and that probably 4,250,000 *l.* is the real valuation. I have made inquiries from several land agents, and their report as a rule is, that not more than a year or a year and a half of rent is due up to May 1881.

2286. That is nearly a year ago, is it not?
Yes, it is nearly a year ago.

2287. When you say due up to May 1881, do you mean actually due, or do you take into account the hanging gale?
No, I think it is due altogether; that would include the hanging gale, I presume.

2288. If the hanging gale is taken into account, the May rent would not be considered due until November, would it?
I understood them to mean that it was the rent which had actually accrued due.

2289. And that they could have asked the payment of?
Yes; of course there are some estates where the arrears are very considerable, amounting to as much as four or five years in the case of a few; but I believe the amount of the general number to be what I say, at least judging from the inquiries I have made, for I have personally no means of ascertaining it.

2290. Have you any suggestions to make as to any way in which these clauses as to arrears might be made more workable with justice to both parties than they are at present?

I believe the question of arrears in Ireland cannot be settled, except upon the basis of the Government giving a free grant to landlords for a portion of the arrears?

2291. A free grant?

Yes; and the suggestion I would ask permission to make would be this: that as regards the holdings under the 30 *l.* valuation, a free grant should be made of one-half of the arrears due up to May, 1881, provided that one-half did not exceed one year's valuation of the holding. That would prevent the rack-renting landlord getting more than the landlord who had been kind to his tenants.

2292. Providing it did not exceed how much?

A year's valuation, not a year's rent?

2293. Do you mean that if it exceeded a year's valuation, the landlord should have nothing at all?

Oh no. I mean that in no case should more than a year's valuation be given.

2294. It should be limited as a maximum to these two years, you think?

Yes; I think that would probably cost from two to three millions.

2295. Marquess of *Abercorn.*] What you mean is to meet the cases where the rent might be double the valuation?

Yes.

2296. *Chairman.*] And what expenditure by the State would that proposal involve?

I do not think it will cost more than from two to three millions of money. The reason why I say I do not think the arrears question can be settled, except upon that basis, is this, that I believe it will be impossible to devise any scheme by which the State will be able to recover those arrears from the tenants by charging them on the holdings without a cost and labour quite disproportionate to the advantage to be gained.

2297. Is your proposal this, that on payment by the State of the sum you mention, there should be a sweeping away of all the arrears?

Yes, a compulsory sweeping away of all the arrears. Will your Lordship allow me to say this: the eight and-a-half per cent. charge, taking an average of the rents, in reference to which advances were sought, to be 6 *l.*, would amount to 5 *s.* 1*d.* each half year, so that your Lordship will see the enormous mass of trouble that would be caused, in the first place, by the mere clerical work of carrying out the scheme, which involves charging each tenant's holding with the instalments in repayment of the amount advanced; and, secondly, the difficulty there would be likely to be in the recovery of it.

2298. Viscount *Hutchinson.*] I understand you to say that in no case should more than one year's valuation of the land in question be given?

Yes.

2299. Would not that fall very unequally, because there are a great many cases in Ireland where a valuation is no test at all; grazing land, for instance, may be rated at more than double the value?

I do not at all mean to say that the suggestion is theoretically perfect, but I think that, in a rough and ready way, it is the nearest approach you can make to justice.

2300. *Chairman.*] I suppose you would justify it by saying (as the proposal implies) that inasmuch as a considerable part of the debt is to be cancelled, you would only be cancelling it in a rougher way?

I believe it will have to be cancelled, no matter what occurs. I think if the Government does not cancel it the tenants will.

2301. But upon what principle would you justify your suggestion that the Exchequer of the United Kingdom should make this payment?

I justify it on the ground that this is really a payment not to the tenants at all, but to the landlords; because under any other law that I am aware of, except the English law, the tenants would not really have had to pay these arrears at all; they would not be debitable with them. In France, for example, under the Code Napoleon, a tenant, under the circumstances in which these losses have taken place, would not have been bound to pay the rent during those years.

2302. I am afraid you raise a very debateable question there, do you not?

It is Article 1770 of the Code that deals with the question. It says, "If the lease be only for one year, and the loss be of the whole of the fruits, or at least a moiety, the lessee shall be discharged from a proportional part of the price of the hiring."

2303. That is to say, that that is part of the terms of hiring under the Code Napoleon?

Yes.

2304. That is not part of the terms of the hiring in Ireland, is it?

I think recent legislation has proceeded upon the basis that freedom of contract did not exist between Irish landlords and tenants. The same law as exists in France applies to Scotland; that very point was decided in the case of Lord Eglinton's Curators against the Tenants, which is reported in Morrison's Decisions of the Court of Session, page 10128.

2305. Have you looked into the Scotch law upon the point?

Yes, as your Lordship gave me a couple of days to spare here in London, I thought I might as well employ it in that way.

2306. In your researches did you not find the Scotch law to be that the only terms on which it gives relief to a tenant is that he must deliver the property back to the landlord?

I think not. That is not the law as laid down in the case of Lord Eglinton.

2307. We will not go further into it, but I think if you look a little further you will find those are the only terms on which relief is given?

Mr. Sheriff Barclay, in Scotland, who is looked upon there as a great authority, has given an opinion within the last few months that the law laid down in Lord Eglinton's cases is still good.

2308. Earl of *Pembroke and Montgomery.*] Is it not the case that a great many of those tenants have incurred those arrears, not by reason of bad seasons, but by refusing under the bidding of the Land League to pay the rent, and spending the money in other ways?

I do not think the number is very large. If you look at the losses that took place in the years 1877, 1878, and 1879, you will see that the amount which was lost on the particular crops, which are the mainstay of the farmers farming holdings under 30 *l.* valuation, would nearly account for the extent of those arrears. The loss upon potatoes in the years 1877, 1878, and 1879, amounted to nearly 15,000,000 *l.* sterling, and the loss, I see, on pigs was nearly three and a half millions; that would be more than 18,000,000 *l.* The bulk of that loss, I think, will have fallen upon small holders, because those are the two principal items of their cultivation.

2309. 1880 was a very good year, was it not?

I believe in some respects it was, and in some respects not.

2310. Lord *Brabourne.*] Is it not the case that, during the last few years, there has been an enormous increase in the deposits in the banks?

I do not know how that is.

2311. If that were the case, should you not think that that was some evidence of agricultural prosperity in Ireland?

Not necessarily. I believe the same thing exactly occurred during former

periods of great depression in Ireland. In 1847 and 1848, I believe the deposits increased in the same way, but I do not really speak from my own personal knowledge. I think that similar results have been known to occur in France during periods of agricultural depression.

2312. You think the greater the depression the larger the increase of deposits?

I do not think if the depression is great that the deposits would necessarily decrease at all, because I think a curtailment of all business such as would occur in a time of depression might cause the bank deposits even to increase.

2313. Still, if in the last 10 or 15 years the deposits have considerably more than doubled, would not that afford some evidence of something like general prosperity on the part of agriculturists?

I suppose it would represent prosperity somewhere; at the same time I do not see how, if they lose 18,000,000 *l.* in three years, the farmers can be prosperous, and I know that the opinion of most men that I have spoken to (land agents and others), is that there is a very large proportion of people who cannot pay. I had a letter from an agent in county Galway this morning, in which, in these very words almost, he said, "There are a large number of those tenants who could not by any possibility pay the arrears," and my belief is that those tenants who cannot pay their arrears are the persons who intimidate those who have money from paying, and commit the outrages, with a view to that intimidation, so that they may increase the number of persons who would have to be proceeded against in the event of a general attempt to recover rents, thinking that in that way they may protect themselves."

2314. Earl of *Pembroke and Montgomery.*] You seem to be doubtful whether there is any large proportion of tenants who have got into arrears by not paying their rent in the way suggested; but are you aware of the fact that those tenants who have been purchasing their properties, and who during those bad year's have been paying instalments, instead of rent, have in most cases succeeded in paying the instalments, and that a very small proportion have failed?

The instalments have been paid with great regularity, I believe.

2315. Surely that looks rather as if the rent might have been paid if they had wished to pay it?

I do not know that it would necessarily mean that, but rather that those who purchased were a more comfortable class of men.

2316. *Chairman.*] Your suggestion applies to tenants under what value?

Under 30 *l.* Over 30 *l.*, I think it would not be fair to ask the State to advance money as a free agent. A further suggestion I would make with regard to that is, that as an inducement to tenants to purchase, where they may agree with their landlords to purchase their holdings, one half the arrears should be advanced on the same terms as the purchase money.

2317. You are speaking now of holdings over 30 *l.*?

Yes.

2318. We will go to the question of purchase afterwards; what is your opinion as to the effect upon the country of the settlement of the question as to arrears upon a basis such as you have mentioned?

I think it would withdraw that portion of the population, who, I say, at present, are exercising intimidation, from that course; because, I believe, that their intimidation is carried on with a view to self protection.

2319. Viscount *Hutchinson.*] Do you believe it would withdraw the class who are intimidating people?

It would withdraw them from that course.

2320. You do not mean that it would not give them a field to act upon; your view is that the intimidation is going on, because of the existence of the arrears?

Exactly so.

2321. You think that the ultimate object is merely to get rid of this sort of sword of Damocles that is hanging over the people's heads?

In order to be able to hold their farms; and they believe that the Land Bill affords them no practical protection against eviction on account of these arrears.

2322. *Chairman.*] Has there been any scheme proposed as to the manner of dealing with this question of arrears other than that in the Act of Parliament?

I saw a scheme put forward by Mr. Russell in the memorial which he presented, but I think it is open to the difficulties I have already mentioned; in fact, it is open to greater difficulties.

2323. You can tell the Committee what the proposal is; I will not trouble you to read it at length?

His proposal is to give the Court which would be settling the fair rent, power to deal likewise with the arrears; that advances then should be made to the tenants whose arrears of rent were so settled, on the same terms as the advances under the purchase clauses of the Act. The difficulty I see about that is that it would be the Greek Kalends before it would be done.

2324. That, of course, could only be done as a judicial rent was fixed?

Yes, and it would likewise involve the difficulty of collecting these infinitesimally small sums.

2325. Now we will go, if you please, to the question of the purchase clauses; how many applications altogether were sanctioned before you left the Commission?

Shortly before I left the Commission I prepared a report on the working of the purchase clauses of the Act, which I would be glad, if your Lordship would allow me, to put in as a portion of my evidence here.

2326. Was it printed?

No, it has never been printed or published at all yet. It was only presented to the Commissioners, and was waiting in the office until such time as it might be called for by Parliament. It deals with a good many questions in connection with the purchase clauses, and more exhaustively than perhaps you would care for me to attempt here. (*The document is handed in.*)

2327. Will you state to the Committee the number of applications that have been made by tenants to enable them to purchase their holdings?

Up to the 31st December the total number of applications was 13; they affected the holdings of 46 tenants, and the amount of the advances sanctioned was 19,061 *l.*

2328. Were those cases where the landlord and tenant had agreed between themselves to buy and sell?

They were. Seven of the applications were made under Section 24; five under Section 35, and one was under Section 26.

2329. What is Section 24?

Section 24 deals with sales from landlord and tenant outside the Court; Section 35 gives to the Land Commission the powers previously vested in the Board of Works under the Act of 1870, and Section 26 enables the Commission to purchase an estate and to resell it among the tenants.

2330. What is the amount which the Land Commission are enabled to advance to the tenant?

They are enabled to advance three-fourths of the principal sum where the purchase is an out-and-out one, and one-half the fine in case of a tenant purchasing for a fine a fee-farm rent, but no application for a purchase of the latter kind has yet been made.

2331. Nothing of that kind has been done?

No.

2332. And under the Act of 1870 we understand the advance authorised was two-thirds of the value?

That was under the Act of 1872, I think.

2333. The amending Act you mean?
Yes.

2334. It is possible, you suppose, that two-thirds of the value might be more than three-fourths of the price?
Undoubtedly.

2335. Have the applications in number amounted to what you and what the Commission expected they would amount to?
The applications have been extremely few. I did not myself anticipate that they would be very numerous, but I thought they would be more numerous certainly than they have proved to be up to the present, but I think I can see reasons why they were so few.

2336. Will you tell the Committee what were the reasons which in your mind have prevented the applications being more numerous, and first take any reasons that might deter landlords from selling?
I believe a very large portion of Ireland is held in settlement, and under the Act limited owners have perfect power to sell, but unless there be a power of sale reserved in the settlement or will under which the limited owner holds, the Commission is bound by the Act to bring the purchase-money into the Court of Chancery, there to be invested under the same provisions as money paid in under the Lands Clauses Consolidation Act. The effect of that would have been to deprive at once of two-fifths of his income any owner who sold at 20 years' purchase, and that sacrifice was more than Irish landlords could afford to make.

2337. In a case of that kind, who would pay the expenses of the proceedings in the Court of Chancery?
On the principle laid down in the Lands Clauses Consolidation Act, I take it, the expenses would fall upon the tenant.

2338. It was pointed out to the Committee, on a former occasion, that the words of the Act were, that the tenant should be taken to be the promoter of the undertaking?
He would have to be taken to be the promoter of the undertaking. I do not see who else can be taken to be the promoter; so that the tenant, in addition to paying his instalments, would have that indefinite liability to costs hanging over his head for years.

2339. There never has been, I suppose, a case of that kind yet?
No.

2340. Has there been a case of a limited owner?
No, none.

2341. Marquess of *Salisbury.*] I suppose a very large proportion of the land in Ireland is held under settlement?
I believe it is, and unfortunately Irish settlements do not contain, as a rule, a power of sale, though English settlements do.

2342. They are more restrictive?
They are not drawn in the same way, and that clause is left out; I think there is a greater tendency to draw them with powers of sale in them now.

2343. *Chairman.*] If there were a power of sale in all probability it would not be in the tenant for life, but in the trustees?
Then the money could be handed over to the trustees to be dealt with according to the trusts of the settlement.

2344. Have you any suggestion to make to meet the case?
I have. I deal with the matter in the Report which I have before me, and the suggestion I make is this, that the entire proceeds of the sale should be paid over to some body like the Commissioners for the Reduction of the National Debt, and that the value of the tenancy for life could be capitalised, and, if the tenant for life so wished, be paid over to him; that the balance of the purchase money

should be left in the hands of the Commissioners for the Reduction of the National Debt, to become insurers for the remainder man, so that at the death of the tenant for life the remainder man should get, not the portion that remained over after paying the tenant for life the capitalised value of his life tenancy, but the entire sum which he would have got under the ordinary course of the settlement. That could be done without loss.

2345. Do you mean that by accumulating and investing, on a large scale, in a great number of cases, you would produce the capital sum when the interest of the remainder-man fell in?

Yes, there is nothing more uncertain than a single life, and there is nothing more certain than the average of a large number of lives; taking the money, capitalising it at 3 per cent., and investing the balance, would on an average undoubtedly produce the sum necessary to pay the remainder-man the entire fund on the death of the tenant for life.

2346. If you were certain that there would be a great number of cases, probably an actuary would tell you that that would be so; but suppose that for three or four or five years cases came in very slowly?

I am afraid that if the State is not prepared to take some risk we shall get on very slowly.

2347. What would the advantage of that proceeding be to the tenant for life?

The advantage would be that, instead of being tied to a mere 3 per cent. investment, he would be able to utilise his money in any way he pleased.

2348. But if he was a prudent man, and did not want to spend the capital of his money, but wanted to invest it, he would be in the same difficulty, would he not?

I know men can invest their money out at Colorado, and get their 10 or 20 per cent. with safety.

2349. Marquess of *Salisbury.*] With safety?

With comparative safety; but without going so far, there are various departments of trade in which a man can invest his money; my plan would certainly give an energetic man a wider field than he would have if tied down to a mere 3 per cent. investment; an Irish landlord could not live upon a 3 per cent. investment as a rule.

2350. You think it would be looked upon as a boon to have a larger number of investments open to him?

It would.

2351. The remainder-man you would put aside, and invest his share in a safe investment, as I understand?

If the remainder-man were *sui juris*, I would give him the option of electing to take the capital value of his interest also.

2352. *Chairman.*] You would give him the discounted value of the interest in remainder, would you?

Yes; but if he were not capable of doing that, if he was under any disability, I would leave the fund in the hands of the Commissioners for the Reduction of the National Debt, to accumulate.

2353. Do you think that measures might be taken to simplify the securing of the whole purchase money, and paying the interest to the tenant for life, not necessarily investing it in consols?

Of course it would be some advantage to increase the powers of investment, but I believe that that will not tempt the tenants for life to sell as rapidly as the prospect of being able to touch the capital value.

2354. Marquess of *Salisbury.*] But the protection of the remainder-men is not the only object of settlements; the protection of the wife is very often the main object, is it not?

Of course such a scheme as I mention could not be carried out without notice being served upon every person who would have any right under the settlement.

2355. *Chairman.*] A notice which would enable them to prevent its being done, do you mean?

If there were any person who would be damnified by it I do not think the scheme ought to be carried out, but I think you would find that the objection would come very rarely in practice.

2356. If there be a power in a settlement to sell, it is a power which is exerciseable without notice to the persons in remainder; they could not prevent its being exercised, could they?

No.

2357. Marquess of *Salisbury.*] If there were a power of re-investment in hazardous securities; that would be the subject of notice, I suppose?

Yes.

2358. I suppose you would say there is a long interval between the 3 per cents. and a Colorado investment?

There are a good many investments between, I think.

2359. *Chairman.*] When I spoke of 3 per cent. investments, I meant such as a trustee is allowed to invest in. They go up, as we know, to 4 per cent. in ordinary times?

Every movement in the direction of freeing the purchase-money will tend to bring sellers into the market; but Irish landlords, as a general rule, I believe, cannot sell under the existing system.

2360. You said just now that a landlord would not like to be a loser, taking the estate at 20 years' purchase. He would look at the rental of the estate on one side, and what the investment would produce on the other, but in looking at the rental I suppose he would not look at the rental only; he would also look at the difficulty of not getting his rent, would he not?

Undoubtedly.

2361. So that it would not be the case of a landlord who had then a certain rent on the one side, and a certain income from investments on the other?

He may look upon the rental as problematic, but we are of a hopeful disposition in Ireland; whereas that Government stock yields only 3 per cent. is a fact which the most sanguine man cannot ignore, and therefore the loss by the sale and investment will be apparent to him.

2362. There are other things to be considered with regard to the rental besides the difficulty of getting the rent; there are the agent's fees and the taxation?

There are of course, but there is a very large proportion of Ireland that is extremely heavily encumbered, and a landlord would know that if he cut off anything like two-fifths of his income it would mean absolute ruin to him.

2363. I want to know how you make out that the landlord selling at 20 years' purchase and having the purchase-money invested, would lose as much as two-fifths of his income?

Probably not quite so much, but I think that is the way in which it would strike him.

2364. Marquess of *Salisbury.*] What are the average outgoings on the Irish rental; on the English rental I believe that it is 15 or 16 per cent.?

I do not think we consider it anything like that in Ireland, but really I have no personal knowledge about it.

2365. *Chairman.*] How does the question of middle-men affect the purchase clauses?

That is likewise a great bar to sales. Under the sections of the Act the State helps occupiers purchasing direct from the landlords. I believe it has been estimated

estimated that from a fifth to a third of all Ireland is held by middle-men; that is, that there are persons between who have intermediate interests.

2366. You mean between the occupier and the owner?
Between the occupier and the owner of the fee-simple; and the middle-man cannot purchase from the head landlord, or at least he cannot get any assistance from the State in doing so.

2367. You mean he is not within the Act?
No. The tenant very frequently cannot be assisted in purchasing from the middle-man, because the rent to which the middle-man is liable covers an area embracing several holdings, and there is no holding large enough to bear the entire rent.

2368. You mean that it cannot be apportioned?
We have no power of apportionment at all.

2369. So that the head rent comes upon every holding that may be purchased?
It is an absolute bar to sale. There is no power of apportionment given to the Land Commission by the Act of 1881. There is such a power vested in the Landed Estates Court, but it has proved to work very badly; the Landed Estates Court is directed in making any apportionment to take care of the interests of the head landlord, and in practice it was found that in most cases it would be an injustice to the landlord to split up his head rent; and I believe that since the Landed Estates Court was founded there have been only about a dozen cases in which the power of apportionment has been exercised.

2370. What is the reason of that?
Because they thought they might be doing an injustice to the head landlord.

2371. But the Landed Estates Court have a power of apportionment?
They have a power of apportionment. A landlord entitled to 100 *l.* a-year has a very different property if he has that receivable in one sum from what he would have if it were payable in ten instalments.

2372. Marquess of *Salisbury.*] What is the present purchase price of head-rents?
It is not easy to lay that down exactly; but I can give an instance; there is a building property I own myself near Dublin, and the head-rent of that was put up for sale about a year ago, and the highest bid that could be got for it was about 21 years' purchase, although it is very well secured.

2373. *Chairman.*] As we are on the question of head-rents, I should like to ask you also about quit-rents. What hes been the practice, so far as there is a practice, of the Land Commission in purchases, where the land is subject to a quit-rent?
We endeavoured, so far as we could, to induce the landlords to redeem all the small charges on the land. I believe quit-rent is capable of being redeemed at 25 years' purchase.

2374. Has it been made a term or condition?
No; we simply endeavoured to induce them to do it, but did not make it a condition.

2375. Marquess of *Salisbury.*] Then you would buy the interests so liberated at 20 years' purchase only?
I did not say that.

2376. I understood you to say, that the landlord should redeem at 25 years' purchase?
We did not buy at all. We allowed the landlord and tenant to act as they liked with regard to purchasing.

2377. It was not a case of the purchase?
No; nor did we exercise any compulsion to make the landlord buy up the quit-rent.

2378. *Chairman.*] How did you proceed in this case. The tenant and the landlord agreed before they came to you for a certain sum; that was, of course, looking upon the land as subject to the quit-rent, I suppose?

Sometimes it was and sometimes it was not; sometimes the agreement was to buy the land discharged of everything.

2379. In that case the landlord was bound to do it, but supposing that had not been so, and that the tenant had agreed to pay so much for his holding, and supposing they agreed to treat it as subject to the quit-rent?

We would not have compelled the landlord to buy the quit-rent under those circumstances; we only put a note in the margin of the applications stating that the purchase would be greatly facilitated by redeeming. This is the note: "State whether it is proposed to redeem any of those outgoings out of the purchase-money, the redemption of them will greatly facilitate the carrying out of the proposed sale."

2380. I suppose it is, as you say; if the landlord and tenant agreed, the tenant should pay so much for his holding; that the law would imply that in some way or other he must be guaranteed against the quit-rent?

The proposal of the landlord to sell, and the tenants to buy, was contained in this document that we drew, and that set out plainly on the face of it what the holding was subject to.

2381. On this question of middlemen and quit-rents, have you any suggestion to make as to how these upper rents should be dealt with?

I suggest that they should be dealt with upon the same principle exactly as was followed in the case of the enfranchisement of copyholds in England; there either party was at liberty to call on the other to sell or to buy, as the case might be, and if the parties did not agree within a certain time one valuator was appointed by each side, or they could agree upon a single valuator, and that valuator's award was then taken as the amount to be paid; some such scheme as that might be adopted, I think.

2382. How would you apply that in the case of middlemen?

I would allow either the middleman or the head landlord to call upon the other to sell or to buy, as the case might be.

2383. Which would the tenant agree with?

He might not have agreed with either the one or the other; he would ultimately agree with whichever of them had the entire estate.

2384. Earl of *Pembroke and Montgomery.*] Would you confine the transaction originally to the two landlords?

Yes.

2385. *Chairman.*] The tenant would have no interest in dealing with the head landlord, and no way of getting at him; but the tenant looks at the middleman, to whom he pays the rent, and to whom he is liable, so that your scheme must apply to the middleman?

To the middleman and the head landlord.

2386. When you speak of the tenant agreeing to buy of the middleman, and coming to the Court for an advance, the Court may require the middleman to redeem the holding from the head rent; and for that purpose to call upon the head landlord to name an arbitrator and valuator?

Yes.

2387. That is your scheme, is it not?

Yes.

2388. And to name one himself also?

Yes; under existing circumstances there are several cases where the head landlord would be anxious to be out of the whole business, and let the land be sold to the tenants, but he finds between him and the tenant a middleman, and that middleman might say that he would not go out without being paid a sum which might be far beyond the real value of his interest. If the middleman is trying

trying to sell to the tenants, and applies to the landlord, the landlord may repeat the same thing, so that there is a bar in either event.

2389. We have dealt with the case of the landlords so far; now, returning to the case of the tenants, what do you think has deterred the tenants from applying in greater numbers on agreements to purchase?

I think it is impossible for most of the tenants in Ireland to make up the one-fourth of the purchase-money.

2390. They have to pay down one-fourth of the purchase-money?

Yes, and the instalments are not thrown over a sufficiently long period to enable the tenant to buy, and at the same time to reduce the amount that he would have to pay annually, and until some scheme be adopted which would make the instalments payable by the tenant on purchase less than the rent which he has to pay, purchasing will not be general in Ireland.

2391. Do you go so far as to say that you must hold out inducement to the tenant which will result in his paying a less sum per annum than at present, or not to exceed the sum he is paying at present?

I do.

2392. Nothing else will do, you think?

No; he knows the individual who is the landlord; he knows he can squeeze his landlord, and that he cannot squeeze the Government, and consequently he prefers his landlord under those circumstances.

2393. You think there must be a margin to represent the extent to which he can squeeze the landlord?

Yes.

2394. Marquess of *Salisbury.*] Is there any danger of his attempting to squeeze the Government?

I think not. My attention has been already called to the fact that the instalments have been paid with singular regularity hitherto, and I can give you this as an instance of what is likely to happen as to purchase instalments; when the Land League was at its height, before Mr. Davitt was arrested, there were some tenants who had purchased of the Church Commissioners, in the county Armagh I think, who held meetings and passed some very indignant resolutions with regard to the amount they had to pay annually as the instalments of a heavy purchase-money, and asked that some reduction should be made or extended time given for them. I happened to meet Mr. Davitt and pointed that out to him and said to him, "Have you seen that Report?" and I know that he either went down to Armagh himself, or wrote very strongly, calling the attention of those tenant purchasers to the danger of the course they were following, and showing them that it would be disastrous for the country that any instalments of purchase-money should be repudiated or delayed, and the instalments I believe, as a matter of fact, were paid.

2395. *Chairman.*] Of course the great danger I suppose would be during the earlier years?

Undoubtedly.

2396. The first 10 or 20 years say; after that there would be a security from the fact that there would be so much paid, would there not?

There would be a theoretic danger if the purchase scheme could be carried out instantaneously as by a magician's wand all over the country; but there is no scheme that can be adopted which will not necessarily take a great number of years to carry out, and by the time some men would have got advances others would have repaid a considerable portion of their advances, and when one man has repaid any portion of his advance he will take very good care that his next door neighbour pays his portion afterwards.

2397. I suppose, though a good many landlords may be willing to sell, some would not be willing?

I made inquiries in Carlow, for example, and I was told there the landlords would not sell at all.

2398. Is it not the case that at the present time, and for the future, there is an ingredient in the matter which never existed before, namely, that the State advancing money will have as a security the tenant's interest?

Undoubtedly. I believe the loss to the State would be infinitesimally small.

2399. It would be the first charge on the tenant's interest, would it not?

Certainly. What I would suggest is, that the State should advance the entire purchase-money, not as it at present does at 3½, but at 3 per cent. (for consols are now at par, and though there is, theoretically, I think a loss on lending money at 3 per cent., it is such a loss that the country ought to be prepared to bear it), and that the instalments should then be thrown over 52 years.

2400. Will one per cent. repay the advance in 52 years?

Less than one per cent. will do it. The effect of it will be that a tenant buying a 20 years' purchase of his existing rent would in 52 years become proprietor of his holding, and in the meantime get an immediate reduction of his rent.

2401. If you have the tables with you, will you let the Committee know in how many years it would be paid?

In 52 years—money lent at 3 per cent. will be repaid by annual instalments of 3 *l.* 16 *s.* 5¼ *d.*

2402. What would do it in 52 years, and leave a margin for interest over 3 per cent.?

£. 4. - *s.* 2¼ *d.* would repay the money if lent at 3¼ per cent. That would give a reduction of 20 per cent. on the rent. The other, of 23 per cent. on the rent.

2403. It is not a question therefore of whether the advance should be at 3 per cent. strictly; it might be at 3 per cent. and a margin besides?

I think if the thing could be carried out, say at 4 per cent., the advance to be paid off in 52 years, you might have sales carried out to a very large extent in Ireland.

2404. Would that lower the rent in every case?

Purchasing at 20 years would reduce it at once by 20 per cent.

2405. Would that allow sufficient for the taxation which would fall upon the tenant as owner?

Of course the reduction would not be as much as 20 per cent. net. I dare say by advancing the money at 3 per cent. the reduction would be 20 per cent. net.

2406. Marquess of *Abercorn.*] The tenant if he purchased would have to pay the rent-charge and other taxes which he does not have to pay now, would he not?

That is so. I think if the State were prepared to lend the money at 3 per cent., probably the tenant would get a net reduction of 20 per cent. on his rent, because it gives a gross reduction of over 23 per cent., and probably the extra 3 per cent. would pay off those charges which your Grace refers to.

2407. Lord *Tyrone.*] Is your calculation based on the present rent or on the judicial rent?

That would be upon any rent; I assume 20 years' purchase on a given rent.

2408. Is your suggestion based upon that?

I do not offer any suggestion as to what that rent should be.

2409. Marquess of *Salisbury.*] Would you allow the bargain to be concluded at present, or wait until the rent were reduced?

I would allow the bargain to be concluded at present, always taking care that the State was not advancing money improvidently. It should see in each case that the holding was good value for the money about to be paid for it.

2410. Would there not be a danger, so long as the present machinery worked at

at its present pace, that the tenant would prefer to wait until his judicial rent had been declared, and that therefore that might create considerable delay?

I fancy if some such scheme as I suggest were carried out, the popular party in Ireland would be anxious to facilitate sales.

2411. *Chairman.*] Do you not think that both tenants and landlord would be glad to get rid of the suspense, anxiety, and necessarily the uncertainty of litigation?

I think every man, woman, and child except the solicitors is utterly wearied by the litigation.

2412. The margin of reduction in the rent is pretty well swallowed up for two or three years in the costs I suppose?

Indeed it is.

2413. Do you think that there would ultimately be any loss to the State by a scheme such as you suggest?

I do not. In the first place I say that the progress of the scheme would be sufficiently gradual to make it certain that some instalments would be paid by one set of men before advances were made to another set of men, and under those circumstances I think that those who had paid would make those who afterwards might obtain advances pay up their instalments; in the second place, and I think Ireland would be fully prepared to have this done, I would throw the liability of the collection of the instalments inside every union upon the rates of that union.

2414. Would you explain to the Committee how you would work that?

I would collect the money in the first instance by the Commission, as a State Department, but the books would be kept by unions. All the books of the Land Commission, for example, are now kept by unions, and it would be perfectly easy for the Commission at the end of any given year to say what arrears of instalments were due in any particular union, and that should be communicated to the unions, and the unions should be bound to assess the taxes to pay up that arrear.

2415. Marquess of *Salisbury.*] And collect it as part of the poor rate, do you mean?

Certainly; I think the effect of that would be magical, because there would be always a certain proportion of people who would have paid, and directly they had paid they would be the best police you could have for making the others pay.

2416. *Chairman.*] It might probably have the effect of making the honest and thrifty man who pays his instalment, pay for those who were not honest and thrifty?

Would it not be a very wholesome thing if they had to do it; if I may put it so to your Lordships, it would teach them to value good Government, and gradually convert them to appreciate its advantages. Your great difficulty in Ireland is that it is everybody's interest to be turbulent at present.

2417. Lord *Tyrone.*] Might not that infliction fall also upon the landlords left?

It would fall upon every body in the union, and would, I think, create a very healthy feeling at once. A defaulter would soon cease to be a popular personage.

2418. If any landlords remained, they would have to pay for the poor rate, and if they had to pay the debts of those who refused to pay their instalments, would it not come rather hard upon them?

It would, but we are discussing a mere theoretic thing; I believe, in practice, you would find it never occur.

2419. *Chairman.*] Is your proposal that the poor rates having been drawn upon to pay the deficiencies of tenants as regards their instalments, they themselves should be free?

On the contrary, I would give the most summary powers for dealing with them.

2420. The power then would have to be given to the unions of selling out their holdings?

And that would be a very healthy thing too. Your difficulty is, that in Ireland it is the central authority that has to interfere in everything; once get the local authorities to interfere, they will have to bear the odium, and that will teach them their responsibility, which is at the present time the great want in Ireland.

2421. I asked you just now about other plans of dealing with the cases of arrears; have you seen any other plan of dealing with this question of purchase, and have you any suggestion to make about it?

Yes, I saw in the "Times" the other day a letter signed R. O. H., which was noticed in a leading article; the views expressed in that letter appeared to me quite untenable.

2422. Without reading it at length, tell us what occurs to you about it?

In the first place the writer of that letter would create land banks. I do not see any necessity for that in Ireland. I think it is an unnecessary complication.

2423. I suppose we may take it that the more simple any plan devised is, the more likely it is to succeed?

Undoubtedly. Of course "R. O. H." was following the analogy of Prussia. It must be remembered that in Prussia, where there are land banks, the population is twenty-five millions, whereas in Ireland the population is only five-and-a-quarter millions. In Prussia there is one bank in each province, a district, as a rule, about half the size of Ireland. In the second place, he says that the purchase money should be paid by the issue of debentures bearing interest at the rate of $3\frac{5}{8}$ per cent., and that in this way the landlord, selling nominally at 20 years' purchase, would get in reality 23 years' purchase. I do not suppose any one fancies that that extra three years' purchase is created. It must be made up somehow, and I think that no Chancellor of the Exchequer would venture to propose that it should be made up by the State. If it is to be made up by the tenant, I do not see why the tenant should not know that he is paying 23 years' purchase instead of 20.

2424. I do not remember the proposal, but was it not this, that stock might be issued for the payment of the purchase money, and that on account of the favourable state of the market that stock might rise above par, and that in that way the landlord would have a convertible security that he could get more money for?

The issue of the stock is a very judicious and a wise plan, and I think very useful; I think that that stock might be issued in the form of debentures, but I fail to see why those debentures should bear interest at more than 3 per cent.; consols are now at par; that means that the State is able to borrow at 3 per cent., and why, if it is able to borrow at 3 per cent., should the State agree to pay $3\frac{5}{8}$ per cent. I think the right thing is to pay to the landlord as much debentures as at the price of the day would represent the purchase money which had been agreed upon; that would ensure that he could sell the debentures for the sum which he believed he was getting in the first instance. I think "R. O. H.'s" proposal is involved.

2425. Let me ask you about the expense of purchase under the Act; have you any idea what it would cost?

About 2 per cent. on the purchase money.

2426. What does that include?

It includes the investigation of the landlord's title, stamps, counsel's fees, and, in fact, all outlay.

2427. And the preparation of his abstract?

No, the Commission did not prepare his abstract; that was prepared by his own solicitor.

2428. Then he would have to pay for that besides?

He would. The plan they adopted for that was this: they made the rule that the Commission would do the entire work for 2 per cent., or, if the parties liked

liked, that they might employ their own solicitors, and then this Commission charged merely the outlay. The abstract was handed over to the Commission.

2429. They would investigate it?
Yes.

2430. Pay the stamps?
Yes.

2431. And all further costs?
Yes.

2432. What is the charge for negociating?
Ten shillings per cent., that is where a landlord was anxious that the Commission should act as intermediaries between him and his tenants to bring about a purchase; the Commissioners agreed to do that for 10 *s.* per cent.

2433. You sell in block?
Yes, becoming a kind of land agent or broker.

2434. Is that as regards an individual holding?
Either an individual holding or an entire estate.

2435. The Commission would charge 10 *s.* per cent. for that?
Yes.

2436. Why should the Commission charge this 10 *s.* per cent.; they have got a staff; they are not put to any additional expense, are they?
There are the travelling expenses of their agents.

2437. If there were travelling expenses that would be so?
The intervention of the Commission, with a view to the bringing about such a sale as that, generally did involve sending an agent down to the district, and staying there sometimes.

2438. And the 10 *s.* per cent. covered his travelling expenses?
Yes.

2439. You say the 10 *s.* per cent. covered his travelling expenses, but suppose the negociation went off and no price was fixed?
The agreement then was that we only charged the actual outlay.

2440. What is your opinion as to the extent of control which the State should get over the lands sold, so long as any of the instalments are unpaid?
The principal point of control is the provision against sub-letting or sub-division.

2441. But there would be no objection against sale, would there?
I think not. I think the freer you make the sale the better, because I consider that in the purchase by very small holders in Ireland of their holdings, and in perfect freedom of sale afterwards, lies the only chance of the consolidation of holdings in districts over populated.

2442. What would you say about family arrangements? Suppose that a tenant dies, and leaves a wife, several sons and some daughters to be provided for, what is to be done?
I think there is a very much more reasonable feeling coming over the people now in that respect. They do not now cling to the holding like limpets to a rock, but go off to America, or to England, or shift for themselves in some way much more than they used to do; they make an arrangement among themselves that some one member of the family is to have the holding.

2443. With regard to the title, when once the sale takes place, if it does not take place in the Landed Estates Court, it cannot be put, as we understand, upon what is called the record of title?
That is so.

2444. Is there any reason why that should be so?
The Record of Title Act implies an indefeasible title.

2445. Do you say that nothing is put upon the record of title but an indefeasible title?
Nothing but an indefeasible title.

2446. Is there, practically, very much difficulty in getting these titles that pass through the Landed Estates Court?
The greatest difficulty. The very fact of a title being indefeasible involves a number of inquiries which are necessarily both tedious and expensive, because injustice might otherwise be done by taking away someone else's land. If we make a mistake, all we have to do is to pay for it, but if the Landed Estates Court takes away another man's land, it is gone.

2447. With regard to these dealings with land, sub-division and so on, would it not be very difficult for the Land Commission to know really what is done with the land, and whether it is sub-let or not?
Undoubtedly it will be very difficult, but I believe there is not the same tendency to subdivision at all that formerly existed. I believe that in practice it would not be found so likely to occur as is thought. That is the opinion, I know, of Mr. Murrough O'Brien, who has a great deal of experience in the country, and he told me that his observations with regard to the sales of the Church lands, and all the sales that had been effected, led him to believe that there was not now a tendency to subdivide, except in very rare instances, in Ireland.

2448. Could anything be done through the Poor Law unions for watching a thing of that kind?
I think they would not like to be used for the purpose.

2449. They would not be good guardians, you think, in that respect?
No, they would not.

2450. Earl of *Pembroke and Montgomery.*] The Land Commission would always have power to re-sell the holdings, would it not?
Of course.

2451. *Chairman.*] How far has the Land Commission, in your time, concerned itself about the price agreed upon between landlord and tenant for the holding?
Their plan of operations was to send down a valuator, either Mr. O'Brien or one of his assistants, to examine the land, and then he would report to one of the Commissioners as to whether he considered the advance could safely be made or not. In some cases the report was followed, and in some cases the Commissioners were not disposed to lend even as much as the valuator recommended.

2452. Supposing this to happen, that a tenant who was thinking of buying from the landlord came to the Commission, and said, "What will you advance me upon this holding; I am proposing to give so much to my landlord for it?" Have the Commission in a case of that kind ever advised the tenant not to give so much as he intended?
I think not.

2453. You have not known of any case of that sort?
No.

2454. I think it would be very desirable that the Commission should not alone value the lands upon which tenants already are, and about which sales have already been agreed upon, but that they should, at the instance of men who have large tracts of land in their own possession, if so requested, value those lands, with a view of saying what rent they would consider fair for the tenant of such land to pay, which rent should be the basis of the amount the Commission would be prepared to advance in the event of such a tenant purchasing. I know some cases in Ireland where men have a great deal of land in their own possession, and do not like to put tenants upon it, because they say, "If we put a tenant in now, he will acquire rights against us, and we may get into hot water."

2455. You mean land held in their own hands?
Yes, but if they could have a kind of auction, as it were, or could say, there are some hundreds of acres of land; I am prepared to let that in lots of 10, 20, 30, 40, or 50 acres, to tenants who care to take it at such-and-such a rent, on terms of paying such-and-such a price for purchase; in that way it might relieve the congestion to some extent, because tenants who had not enough land of their own might come and take lands from the landlord having that land in his own hands.

2456. Is there much land held in Ireland by owners in their own hands?
I think there is a good deal; I know one gentleman, Mr. Goodbody, who has got several thousand acres, I think, in his own hands.

2457. Would your proposal be that the Land Commission should make an advance on what they think would be a fair value of that land?
Yes, so that the landlord might then go to intending purchasers and say, if you become my tenant I will let you in as tenant of this land, at 50 *l.* a year, provided you agree to buy it from me at once, and give me 1,000 *l.* for it.

2458. Earl of *Pembroke and Montgomery.*] Why should he go through that preliminary operation of making them his tenants?
Because otherwise he cannot get any money from the Commission.

2459. *Chairman.*] Another way of meeting it would be, if the powers of the Commissioners were being enlarged, to enlarge them in that direction, would it?
I think under their present powers they could already do what I suggest.

2460. If the man became the tenant; but why should not they have power of making advances to the man who merely wished to become purchaser?
Of course, they might have that power.

2461. Viscount *Hutchinson.*] Do you believe there is no opportunity of selling in the open market, if the land is in your own hands?
You have not nearly so good a chance, because that involves a man having the entire purchase-money in his own pocket; you would widen the area of possible purchasers by enlarging the power as to advances. I know a case in point of a man who is anxious to set and sell, and would do it to a considerable extent, if the Commission could see their way to act on the suggestion I have made.

2462. Lord *Tyrone.*] Is there likely to be any purchaser of Irish land held in occupation now, except the tenants under this Act?
I should not fancy so, except on the principle that guides purchasers of bad stock. When such stocks get down low, you always find a number of speculators rush in and buy at a low price.

2463. *Chairman.*] Have you had any experience yourself in the fixing of judicial rents?
No, I have not. It is outside my province altogether.

2464. You have not been at any of the Sub-Commissions?
I have since my retirement from office, as a solicitor practising before them.

2465. Have you considered the question at all of whether these investigations before the Sub-Commission take place in the best way, without any information beforehand from the tenant of what his case is, as to improvements he claims for?
I have not considered that; that is as to whether the tenant should be compelled to give information beforehand.

2466. I mean as to what improvements he is going to claim?
I am afraid in practice it would be found to be so expensive and cumbersome a proceeding as to make the process of rent fixing still more dilatory than it is at present.

2467. Do you think that the landlord is in the ordinary position in which persons engaged in litigation are put; seeing that he does not know beforehand what the case is that he has to meet?

I am not certain that in an action at common law you would get very much more information than you get in cases before the Land Commission.

2468. Besides the pleadings, you can apply for particulars, and then you can apply for better particulars, can you not?

You do not get them, as a rule, in Ireland.

2469. The number of cases waiting for disposal by the Sub-Commissioners is very great, is it not?

Enormous; so great, that I think if the present plan be followed it is quite impossible that they can be got through in any reasonable time.

2470. What facilities are there at present for settling any of those cases out of Court, that is, by the landlord and tenant agreeing. Are there any facilities for the landlord and tenant knowing the principle on which judicial rents are dealt with, when they come to be decided, and thus settling their cases for themselves?

Except what I see in the public press, I do not know anything about that; I do not know of any principles that guide the Sub-Commissioners. My own opinion is, that until some very much more drastic and simple measure is adopted than the present, there will be no chance of getting rid of the block as regards the settlement of rent; the block, I am afraid, must continue.

2471. What meaning do you attribute to the word "drastic?"

Probably I shall shock your Lordship. The landlord and the tenant go into a Court now, which is said to be a Court of Arbitration, with a view of settling the rent. The landlord's notion of the rent is that it should be fixed, probably, at the existing rent; the tenant's is that it should be fixed considerably lower.

2472. At zero?

Not exactly at zero, but at any rate considerably lower than it is. The law at present says that until the tenants enter upon and succeeds in litigation, the rent shall stand at the figure which the landlord regards as fair; and, therefore, every tenant has an inducement to begin litigation with his landlord. My solution of the difficulty would be to enact that, subject to a right of appeal by either party, the rent should stand at a line somewhere between what the landlord now regards as fair and that which the tenant claims as fair.

2473. Marquess of *Salisbury.*] Do you not think the landlord should, in that view, put the rent a little higher?

He probably would.

2474. Then we should get much the same result as now, would we not?

No, I think not. If the Law said the rent shall be Griffith's valuation, or 10 per cent over Griffith's valuation, subject to appeal, landlord and tenant would probably rest content with that scale rather than incur the risk of loss by further litigation.

2475. Has it occurred to you that the process you have just recommended, with reference to the recovery of instalments, might be applied also to the recovery of the judicial rent when fixed, and that the prospect of a sure and certain recovery of rent might influence the minds of many landlords as regards the settlement of a judicial rent; that is, the process of throwing it on the local authorities?

That is, throwing it on the rates.

2476. Throwing it on the local authorities?

I do not think there would be the same sympathy towards such a scheme as applied to rent collection as in the case of the instalments of purchase-money.

2477. I do not anticipate much sympathy in either case?

I think you would have sympathy in the second case.

2478. Lord *Brabourne.*] If your plan of striking a medium line were adopted, would not the first effect be that the tenants would invariably put their line down at zero?

No, it is not exactly a question of what the tenants or the landlords would do, but what the law would do.

2479 I understood you to say that the law was to strike a mean between the propositions of the landlord and the tenant?

That is the existing proposition. We have found in practice, whether rightly or wrongly, that the rents which have been judicially fixed by the Commissioners, have come within a fraction of Griffith's valuation.

2480. Duke of *Norfolk.*] You mean that they might strike the medium now, and not wait till the cases are taken into court?

Certainly, I mean the medium now.

2481. Lord *Tyrone.*] I understand from that answer of yours that you are referring to Griffith's valuation?

Yes.

2482. It is not what the landlord or the tenant proposes, but that you are to take Griffith's valuation, as a line, and put it so much per cent. above or below that valuation?

Yes, I mean to say that the result of the judicial decisions has been to fix rents at or about that line. If that were the law, subject to appeal, I believe that instead of having 70,000 cases you would not have 7,000 cases.

2483. Marquess of *Salisbury.*] That is on the assumption that we are perfectly satisfied with what the decisions have been, is it not?

I do not say that either side are satisfied with the decision.

2484. Viscount *Hutchinson.*] Still you take Griffith's valuation more or less as a test, do you not?

I do, as the first test. It is not a perfect system, but I think the whole business is very imperfect.

2485. Lord *Brabourne.*] Do you hold to the opinion given by previous witnesses that Griffith's valuation is, with a very limited exception, no test at all?

My knowledge of land is very limited, and I do not really profess to understand it.

2486. Duke of *Norfolk.*] You mean, as I understand you, that the law should make a general valuation of land in Ireland, in ignorance of what rents are claimed for the present holding?

Certainly.

2487. Lord *Brabourne.*] Then you propose that Griffith's valuation should be the test, though you have not sufficient knowledge of land in Ireland to know whether it is a fair test?

Not a final test. I would leave full right of appeal to either side, and I do not think that would injure either the landlord or the tenant; that would leave them both their full rights, as at present, but I believe it would result in a greater number of settlements than come about at the present time.

2488. I understand the proposition to be that the tenant, on the one side, and the landlord on the other, should propose a rent, and a medium should be struck between the two; is that what you mean?

No. I mean to say that in the cases that have been already tried you will find the tenants, in a very large proportion of instances, regard the rent as having been fixed at too high a figure; the landlords I believe, as a rule, regard it as having been fixed at too low a figure.

2489. You drew upon paper two lines, one purporting to represent the landlord's view, and the other the tenant's?

 I suppose

I suppose this line to represent what the landlord asks, that is, the existing rent; as a general rule the landlords of Ireland do not seem to ask to have their rents raised; whether rightly or wrongly, I think you will find that in the proceedings before the Sub-commissioners they have not asked for that.

2490. Marquess of *Abercorn.*] Does not the result of your proposition as to fixing the rent come to this, that the landlord would go into Court taking your upper line at the existing rent (which has been stated to be as a rule in Ireland not a high rent), and the tenant would have an opportunity of making a new proposition, which he would put as low as possible, and that then a line should be drawn between the two?

No, I would fix the proposed line by reference to past decisions, and not to future claims. If the landlord and tenant did not wish to go into litigation, they might take the line the law fixed, which ought, I say, with a view to getting rid of the block, to be as nearly as possible the result obtained by the judicial decisions of the Commissions.

2491. The landlord could always avoid litigation, could he not, if he took what the tenant proposed, or very nearly that?

I think the difficulty at present about the settlement is that the difference between them is so great that there is much room for litigation.

2492. You think the one asks too much, and that the other wants to give too little?

I know it, and as a matter of fact, I prepared some forms of returns for the Assistant Commissioners to send up to the Head Commission, showing the results of the proceedings before them.

2493. Lord *Kenry.*] One of the results of carrying out your idea would be that for the future arrears will accumulate not on the present rent, but on somewhere about 25 per cent. below it; and that would have considerable effect upon the arrears, would it not?

Yes.

2494. Marquess of *Salisbury.*] Would not the result you aim at be obtained in a more innocuous way if the Sub-Commissioners would state the grounds of their decisions, so as to enable landlord and tenant to see what the nature of their reasoning was?

I think they have stated their grounds in the Return I have in my hand. (*The document is handed in.*)

2495. *Chairman.*] Has this Return been filled up?

It has been filled up, and received by the Commission, but unfortunately it has not been sent to Parliament in exactly the shape in which it appears here. Two columns are omitted, and those are columns which I think very important.

2496. Do you refer to the columns headed "Fair Rent according to evidence given on behalf of the Landlord," and the "Fair Rent according to evidence given on behalf of the Tenant"?

Yes.

2497. In the first place I do not quite see how those columns would be filled up. Suppose a tenant produced several witnesses, some of whom were his neighbours, and so on; one says the holding is not worth more than 10 *l.*, another says it is not worth more than 8 *l.*, and another, taking a figure between the two, says that it is not worth more than 9 *l.*; what are they to put down?

I suppose they would probably take the average of the evidence.

2498. Why should not they take the highest that the tenant produces?

I know the result has been, judging from these columns of the Returns sent up, that the rent, as fixed by the Commissioners, was very much closer to the evidence given on behalf of the landlord, than to the evidence given on behalf of the tenant. In fact, in some of the Commissions, the rent fixed was higher than

than it would have been according to the evidence given on behalf of the landlord himself.

2499. We could hardly take that unless we had the document before us?
Of course. I am merely mentioning this in answer to a question that was asked me, as to what lines were followed.

2500. As you have been given in this form of Return, I should like to ask you one more question about it; do you not think it would have been advisable to have had a column, showing the value attached by the Commissioners to the tenants' improvements, and which they were to deduct from what otherwise would be the whole value of the holding in fixing the annual value?
I believe those facts were returned for a certain time by the Assistant Commissioners, who afterwards gave up doing it.

2501. A Return has been put in showing that it was one of the things that they were required to show, but we were told that in practice they had not complied with that direction. I only wish to have your opinion; do you not think it would be, for many purposes, desirable to have that?
I think it would be very desirable to have it, but I believe it would prove something very different, probably, to that which might be anticipated.

2502. Marquess of *Salisbury.*] You mean that it would be much more favourable to the tenant?
I do.

2503. Viscount *Hutchinson.*] As a mere matter of record, do you not think that it would be valuable?
I think it would, and I am very sorry it has not been done.

2504. *Chairman.*] It cannot be more favourable to the tenant than to the landlord, because I take it for granted, that the result is founded upon the evidence?
But it may be that the result was inconsequential, and did not give full effect to the value of the column.

2505. Do you not think it would be very valuable for the purpose of appeal?
I think it would be very valuable for the purpose of appeal.

2506. The landlord might be perfectly satisfied with the value put upon the holding, but not with the sum allocated to the tenant's improvements, or *vice versa*?
I do think it would be very valuable.

2507. With reference to proceedings at the beginning of another term, do you not think it would be very valuable?
I think it would be very valuable for every purpose, as a record.

2508. Marquess of *Salisbury.*] Whatever the result, we should have the facts?
We should.

2509. Lord *Tyrone.*] Would it not be of the greatest advantage at the end of the statutory term, even to the tenant, as to how his improvements had been assessed?
I think it would be decidedly valuable for every one, assuming that the statutory term system is going to continue, which I very much doubt. I think you are seeing a valuation made of Ireland once and for all.

2510. But supposing it is going to continue, you think it would be valuable?
I do.

2511. It would be a valuable record to the tenant as well as to the landlord, you think?
I think it would be valuable for every person, that the honest facts of the case should be known.

2512. Marquess of *Salisbury.* Do you mean that you expect future Parliamentary legislation?
I mean this, that no country can possibly, every 15 years, repeat the operation we are going through now.

2513. Lord *Kenry.*] One would not be done before the other commenced, you mean?

No; I do not think the present operation will be concluded 15 years hence, if conducted on the present lines.

2514. Lord *Tyrone.*] With regard to the question you answered just now, about fixing the rent at Griffith's Valuation, you mentioned that that was the average that the Sub-Commissioners had arrived at?

I did not say that Griffith's Valuation is exactly the average; I say that they have hovered very closely about that line, I understand.

2515. Why should you take that as an average of the whole of Ireland; because, as you are aware, Griffith's Valuation varies very much?

I do not say it is anything like a perfect test, but that it will choke off a number of cases which would otherwise be tried out.

2516. But you do not consider it would be fair then?

Not as a final test undoubtedly.

2517. Marquess of *Salisbury.*] You consider that in cases when it was not fair there would be an appeal?

There would be an appeal, and thereby the unfairness would be remedied.

2518. You think that where it was approximately fair, the people would submit to it for the sake of avoiding cost?

Exactly.

2519. *Chairman.*] Is there any sale for land in Ireland just now?

There is very little. Properties have been put up in the Landed Estates Courts frequently without any bidders appearing. There have been some few sales, but I think they have taken place under exceptional circumstances. One, for example, was by a client of my own, but then he bought the land because he was owed money on it, and it was the best way of saving himself.

2520. He was the incumbrancer?

Yes. But I think purchasers are more amongst the tenants than among the outside investing public. I think there is very little sale for land at present.

2521. Where the tenant's interest is put up for sale, is there in that case also any difficulty in finding purchasers?

The difficulty proceeds from a different cause there.

2522. I did not refer to a case where the landlord is forced to sell his tenant's interest, and where there is an unwillingness of bidders to come forward; I meant a case of tenant's interest, put up under fair circumstances, and the tenant himself selling?

I think there seems to be a great cessation of that kind of sale at present.

2523. I have had two cases put into my hands; I do not know whether you know anything about them or about the circumstances connected with them. Here is a case from Mallow, which occurred last Monday or Monday week: "To-day, by directions of Mr. Maurice O'Brien, a tenant, his interest in a farm, containing 82 acres plantation, held for a term expiring 1st November next year, at a rent of 147 *l.*, was put up for sale by auction. There were over 30 farmers competing, and after some keen competition, it was knocked down to a farmer named Patrick Collins for 700 *l.*" That looks like business, does it not?

It does.

2524. Here is another case which took place in Kilkenny: "Mr. J. D. Wilson, auctioneer, put up for sale last Saturday afternoon the interest in the farm known as Clarabriken, containing 105 a. 3 r. 26 p., with the dwelling-house and out-offices. The farm which was lately in the occupation of Mrs. Hart, was before the Sub-Commissioners at their sittings here in January last, when the rent was reduced from 180 *l.* to 152 *l.* The interest was sold to Mr. Thomas Hoban for 605 *l.*?

It is quite possible that that may be very just; but I express no opinion on it, as I do not know the facts concerning it. I do not think there is much selling at present; of course, a state of affairs like that which exists in Ireland necessarily restricts business of every kind.

2525. Lord

2525. Lord *Brabourne.*] Still a tenant can sell his interest by competition, can he not?

He can sell his interest by competition.

2526. And the competition has been taken from the landlord, has it not?

The principle laid down by Mr. Litton in his judgment in Adams *v.* Dunseath, was, that the landlord could not have the benefit of competition because he had not got that which was the object of competition, namely, the possession of the land.

2527. That is so, is it not?

Yes.

2528. That is to say, there being two interests in one property, the owner of one, rightly or wrongly, can ascertain its value by fair competition, and from the ascertainment of which the other interest is excluded?

That is so.

2529. Marquess of *Salisbury.*] In a letter which has become celebrated, you mentioned that there were certain difficulties you foresaw in the way of completion of purchase. Are those the difficulties which you have detailed to the Committee to-day; I mean in the way of the operation of the purchase clauses?

Yes. The fact was this, that the Land Act of 1881, whether designedly or not I cannot say, undoubtedly offered more inducements to the tenants in reference to the settlement of rent than in relation to purchase; it directed their attention first to the settlement of the rent and withdrew them on that account from the consideration of the purchase clauses for the present.

2530. The purchase clauses did not receive the development which you think it would have been desirable they should receive?

I do not think they did receive the development which would have been desirable.

2531. Marquess of *Abercorn.*] Is this not one of the reasons that the Land Act of 1881 placed the tenants in such a position that they had not the inducement to buy?

They had not the inducement to buy; there is no doubt that a tenant buying under the Land Act of 1881, would probably have had to pay a larger annual sum by way of instalment on his purchase money than he would have been obliged to pay by way of rent as a tenant, and he was not prepared to do that. The ulterior advantage did not seem to him sufficient to induce him to accept the increased immediate responsibility.

2532. Marquess of *Salisbury.*] Do you rate very high the desire of the tenant to become a freeholder. Do you think he is influenced by what is called the magic of property?

I think there is a very strong desire in that direction. It is in a state of suspension at present almost, because people's attention is so much directed to the reduction of the rent; but as soon as the rental is settled, I believe there will then be a very great desire on the part of tenants to buy up their holdings.

2533. Do you think there would be in Ireland, as in France, entirely apart from the merely pecuniary question, a very strong preference for the freehold over the occupying tenure?

My experience in Kerry led me to infer that the tenants had a great anxiety to become proprietors. It is one which I think will likewise grow, according as the people get more educated and more prosperous.

2534. You think that feeling likely to grow and not to diminish

I do.

2535. Duke of *Somerset.*] Do you consider it desirable for the future peace of Ireland, that there should be established a larger number of peasant proprietors?

I believe it to be absolutely essential.

2536. You think it to be very essential?

I do.

2537. Then the purchase clauses of the Act are the most important clauses in that sense?

I think they are. I think so long as the relation of landlord and tenant continues to be the almost universal relation in Ireland, you must have a state of unstable equilibrium in politics.

2538. Marquess of *Salisbury.*] What should you regard as a stable equilibrium?
I should regard as a stable equilibrium that position of things in which the majority of the people would be anxious to be conservative in the best sense.

2539. Lord *Brabourne.*] Does that mean that they, having acquired land, would become landlords, and would wish to conserve the land as landlords?
It means that they would have everything to lose by turbulence, and would therefore be anxious to avoid it, whereas at the present time they have everything to gain by it.

2540. Marquess of *Salisbury.*] Do you think that among the things they would desire to conserve would be their allegiance to Queen Victoria?
I do not think there is much desire to shake off their allegiance to Queen Victoria.

2541. Lord *Brabourne.*] Do you mean that "Conservative" in the best sense of the word signifies a person possessing land?
I do not; I consider Conservatism consists mainly in persons being law-abiding citizens, and observing those conditions which are calculated to promote law and order.

2542. I understand you to say that the way to make them law-abiding citizens is to make them peasant proprietors; that is to say, that a great many of them should possess land?
I think it is.

2543. Duke of *Somerset.*] If the object is to induce tenants as much as possible to become owners of land, is it not desirable to take off all restrictions from them when they are the owners, and to put them in the position in which an owner would be in England. An owner in fee in England can do what he likes with his land, but the owner in Ireland, under this Act of 1881, when he has bought the land is still under the commission, and cannot divide it, or deal with it as he might wish?
I think he might deal with it as he wishes in almost every way, except in the matter of division.

2544. That is a very important point, is it not?
It is an important point, but I think there is undue importance given to the belief that a desire for sub-division exists. I do not think that it does exist so largely as people fancy.

2545. *Chairman.*] He could get rid of that trammel to which the noble Duke has referred, by paying off, as he was able, the instalments of the purchase money, could he not?
Undoubtedly.

2546. Lord *Carysfort.*] Would he be able to let his land after he had purchased it, and take it up after a few years?
I think it highly desirable he should not be able to do so. I think you would by that means bring about the system of middlemen again.

2547. Marquess of *Salisbury.*] You would make a perpetual entail upon him?
Not a perpetual entail, because he might sell.

2548. Would you never allow him to let his land?
I would never allow him to let the land so long as he owed money to the State. That is the check I would put upon him.

2549. But after he has paid off his indebtedness to the State, what then?
Then he must do as he likes; I think as long as the State has money due to it, it ought to prevent him letting that land, because it would produce a set of paupers underneath him.

2550. Lord *Brabourne.*] Then you would let him let without any tribunal fixing the rent?
I would.

2551. *Chairman.*] That is nothing more than every mortgagee has a right to do at present; every mortgagee has the right to determine who shall occupy the land. If tenants are put upon the land that he does not like, he may dispossess them. Suppose I have security, on a fee-simple estate, and I find that my mortgagor, on my leaving possession, is sub-dividing the farms to an extent greater than I think desirable, I may refuse to confirm the leases of the holdings, and dispossess the holders, is it not so?

Of course your Lordship would not be bound by his acts.

2552. Marquess of *Salisbury.*] You have, I think, been in the habit of superintending the loan of money on land in Ireland, have you not?

I have had considerable business of that sort.

2553. Can you tell me whether it has remarkably fallen off?

Completely.

2554. There is no money lent on land now?

Practically none.

2555. Not even, I mean, from Irish sources?

Not from any sources.

2556. *Chairman.*] Are the mortgagees calling in their money?

I think they are not exactly calling in their money; there has been singularly little attempt to foreclose or sell in the Landed Estates Court, everyone seems to have regarded the situation as a bad one, and one to be tided over by forbearance. Margins have a tendency to disappear at present, which frightens mortgagees.

2557. Viscount *Hutchinson.*] Do you know what the Scotch insurance companies do?

I do.

2558. They are not lending money at all, are they?

I do not think any insurance company is lending money at present.

2559. Marquess of *Salisbury.*] Do the local banks lend money?

They did, and they lent it very improvidently; but I do not think they are lending much at present.

2560. Viscount *Hutchinson.*] They lent it on the security of the tenant, did they not?

Yes. The system of the banks, as a rule, down in the rural districts, was to get as many into the net as they could, that is, they get as many names as possible on the back of a bill.

2561. What is the usual rate charged?

In the rural districts they lent money in the way I speak of at 10 and 15 per cent., so I have heard, but I cannot say that of my own personal knowledge. Those are loans for very small sums.

2562. Marquess of *Salisbury.*] Is it not the case that a large number of tenants live on holdings not sufficient to nourish them if they trusted to those holdings alone?

That is so, especially in the West.

2563. Has there not been, during the past years, a practice on the part of the banks of making up the income to these men by lending?

I am not aware of that?

2564. At all events, the increased security given by the Act of 1870 did have the effect of increasing the amount of loans granted by the banks to the tenants?

It did.

2565. But the Act of 1881 has not had an analogous effect yet, has it?

I think not. There is a very wholesome dread now that a tenant, if he has money lent to him, might possibly decline to go out of his holding.

2566. So that money will not begin to flow again until order is restored?

It will not. I know, down in the West of Ireland, the shopkeepers are dealing wholly for cash, which has a most wholesome result as a corrective. There are shops in the small towns of the West of Ireland, where there is so much as five, six, and seven thousand pounds due to an individual shopkeeper. Now those shopkeepers are dealing with the same men; they are not getting paid (or very slowly, and by degrees) the arrears, if I may so call them, of debts. But their present transactions are almost, if not altogether, on a cash basis.

2567. And they do not venture to sell a tenant up?
No, not as a rule.

2568. Lord *Brabourne.*] And they do not look to the State to get their arrears back?
No.

2569. Viscount *Hutchinson.*] I suppose they labour very much under the same difficulties, the same disabilities, in the way of collecting their arrears, as landlords do?
I think they recognise the truth of the maxim *ex nihilo nihil fit*; the money is not there to be got.

2570. Marquess of *Salisbury.*] You do not think there is any considerable amount of money belonging to the farmers at the banks?
I am sure there is a very considerable sum of money belonging to the farmers at the banks, but it does not follow that they are the same farmers who owe these enormous sums. I do not think they are; at least the impression among the shopkeepers to whom I have spoken in the West of Ireland is, that the people would pay them if they had the means of doing so.

2571. Viscount *Hutchinson.*] As to means; nobody appears to have been very much paid during the last two or three years, yet the tenants must have made something. They have had very good harvests, what has become of all the money?
If you take the 18,000,000 *l.* I spoke of off the harvests for three years, and recollect that the aggregate of 18,000,000 *l.* represents that which is the mainstay of those small holders, you will see that they could have made hardly anything

2572. The last two seasons have been exceptionally good, have they not?
They made something, and they have been paying cash where they formerly used to get credit.

2573. If they have not expended anything very serious towards the reduction of those debts, compared with what they must have made in the last two years, and which has probably covered more than their living. Where has the surplus gone to, if not to pay the debts or the rents?
I daresay it has gone towards paying the debts. I say it is being very gradually done, not very largely.

2574. Marquess of *Salisbury.*] The general inclination has been to pay the tradesmen before the landlord, you think?
That was the advice given to them from higher quarters.

2575. *Chairman.*] There is a difference in the power of advancing money with regard to property sold in the Landed Estates Court, and sales through the medium of the Land Commission, is there not?
There is; there is rather an unfortunate wording of the section. The 24th section says the Commission may advance money on sales from landlord to tenant, and the Commissioners arrived at the conclusion that the word "landlord" did not include a sale by the Landed Estates Courts, and that they were obliged to fall back upon the Act of 1870.

2576. How much may they advance under that Act?
By the Act of 1870 it was two-thirds of the price; but that was, by the Act of 1872, altered; at least Judge Flanagan interpreted the latter Act as meaning two-thirds of the value.

2577. So that if that falls below three-fourths, the Land Commission consider they are bound to take the smaller limit?

In practice they have taken the smaller limit. I do not think they are bound to do so at all. I think, under the Act of 1872, and the 35th section of the Act of 1881, which gives them the powers formerly vested in the Board of Works, there is nothing to prevent the Land Commission lending the entire purchase-money.

2578. Three-fourths of it, you mean?

The entire of it, provided the two-thirds of the value was equal to the entire price.

2579. But, suppose that not to be so?

They can only lend two-thirds then.

2580. Earl *Stanhope.*] Would you extend the period for the repayment of the loan?

Undoubtedly.

2581. To what extent?

To 52 years; that is the same period as was given for the tithes.

2582. What would that reduce the interest of the tenant to?

I have explained that if the money was lent at 3 per cent. it would reduce the instalment to 3 *l.* 16 *s.* 5¼ *d.* per cent.

2583. I think you stated that you were in favour of the State advancing the the whole sum required for purchase.

I am. I believe there is just as little liability to loss in advancing the whole as three-fourths, and very much greater convenience.

2584. What security would the State have for the repayments of the instalment?

Firstly, the occupation-right of the tenant, whatever it is; secondly, the interest which was being purchased; and, thirdly, the rates of the union in which the land was situated.

2585. Marquess of *Salisbury.*] Have you any knowledge as to the appointment of Sub-Commissioners?

Very little. That was done entirely, I think, by Mr. Forster.

2586. You did not take any part of the duty of ascertaining the antecedents of the Sub-Commissioners?

No, that was not my function.

2587. You said "very little;" had you, in fact, anything to do with it? -

Absolutely nothing. I would ask liberty to make an observation in reference to the pamphlet, "How to become the Owner of your Farm," which has been alluded to recently in the press. There was a question asked in the House of Commons as to whether that pamphlet was revised by any person before it was issued by the Commission. I desire to say that it was I who wrote the articles; that they were reprinted by the "Freeman"; that they were revised by me, and that no person in the Commission had anything whatever to say to the matter except myself.

2588. *Chairman.*] I think the question was asked of some person, comparing the letters as they were published in the pamphlet form, by the newspaper, and as they were printed by the Stationery Office, how they came to be broken up into paragraphs with headings?

It was I who broke them up into paragraphs, and put the headings at the top, and that was the only alteration that was made.

2589. Marquess of *Salisbury.*] I think the question was asked whether Mr. Godley's initials were affixed to the second as well as to the first version?

They were affixed to neither one nor the other.

2590. I understood Mr. Godley to say that the order to print was initialled by him?

Yes, it was; but he never had anything to do with it, or with the pamphlet, from that time afterwards.

2591. That was all he had to do with it?
Certainly. Everything except the mere giving of the order was done by me.

The Witness is directed to withdraw.

Mr. ROBERT ORR, called in; and Examined.

2592. *Chairman.*] You are a Solicitor practising in Belfast and at Ballymena, in the County Antrim, I believe?
I am.

2593. Are you well acquainted with the landed property in those neighbourhoods?
I am.

2594. Have you had any experience yourself of the working of the Land Act of 1881 before the Sub-Commissioners?
Personally, I have not been before the Sub-Commissioners, but my partner has been. Of course I have a general knowledge of the cases that came from my office.

2595. Have you and your partners found any inconvenience from the manner in which the cases are what is called "listed," for hearing?
Very much.

2596. What is the inconvenience which you have experienced?
In the first place the notice is quite too short.

2597. The notice that the case will be heard you mean?
Yes.

2598. How long is it?
A fortnight professedly, but very often owing, I suppose, to their being overworked in the office, it does not reach the solicitor until within a very few days, perhaps of the sitting of the Commissioners.

2599. Is there a rule that you should have a fortnights' notice?
There is supposed to be.

2600. Is there a rule, or what does the supposition you speak of arise from?
It is more a regulation than a rule. I do not think it is in the rules; I think perhaps there were complaints that the solicitors had no notice, and this list was sent out, it was supposed to be a fortnigbt before the hearing.

2601. If you get a shorter notice of a few days only, can you not remonstrate, and have the case postponed?
No.

2602. Is it your opinion that supposing you get a fortnight's notice, that fortnight is too short?
Yes, I rather think it is. I think we should have three weeks, or a month's notice, for this reason; it is not so much the solicitor's work, as getting the valuations that requires time. It is very hard on a landlord who has a great number of cases, to send out beforehand a valuator to go over all those cases; whereas, if he knew a good time beforehand what cases were coming on, he would tell his valuator to devote his time to those particular cases, and there would be of course a great saving of expense, as well as of time and trouble.

2603. How long do the Commissioners sit at a time?
A week in each place.

2604. We understand that they do not sit every day hearing cases?
No, they go out to visit the farms; in fact, their sittings, are very irregular, and their hours of sitting also.

2605. How many days a week do they sit, and how many days a week do they visit?
That of course depends upon the number of cases, at each place sometimes there are more cases than at others.

2606. How many cases are listed for one place, in your neighbourhood?
Forty to 50, or sometimes 60 cases.

2607. How often have they sat at Ballymena or Belfast?
They have only sat once.

2608. Only once since the Act passed, for one week?
That is all; they have commenced a second circuit now, but they have not got to Ballymena or to Belfast yet.

2609. When did they begin to sit?
In October, I think it was.

2610. Do you mean that for the county Antrim they have only sat once since October?
That is all.

2611. For as many days in one week as they were sitting?
I think so; that is my recollection of it.

2612. Then how many cases out of the 40 or 50 listed were disposed of?
That I do not quite recollect, because of course a great many of the cases I had nothing to say to. There is no doubt they have to adjourn a great many cases.

2613. You mean that there was not time to hear them?
There was not time to hear them, the Commissioners having to go on to the next town.

2614. Would that be a cause of costs to the persons in those cases; were they all prepared for hearing, do you suppose, with their valuators?
Yes, certainly, their witnesses were all in attendance.

2615. The cost must have been considerable, then?
Certainly.

2616. On both sides?
Of course they are not so heavy on the tenant's side, because their valuators are farmers generally, and probably they get their services for nothing; they do not produce professional valuers.

2617. Lord *Brabourne.*] Do you think they would give the tenant their services in the hope of receiving a similar service from him very often?
I expect that would have much to do with it.

2618. *Chairman.*] Has any suggestion occurred to you by which the block of business in the Courts could be mitigated?
I think, in the first instance, if competent valuators were sent down to report to the Commission, something like the principle laid down in the Bill, which was, I think, brought in by Mr. Dickson, would be a very good system.

2619. What was that system?
I have the Bill here.

2620. Is that a Bill brought in this year?
Yes; he proposed that when the originating notice was served, the Commissioners should send out two valuators to report to them, giving notice of course to both sides of the day they would attend on the lands; the valuators to make a report, and then if there was no appeal within a month, the judicial rent was to be fixed upon that report. I think that would be very satisfactory if those valuators were really qualified persons, and with regard to that I would suggest that they should be appointed not by the Land Commission, but by the Valuation Office, or the Commissioners of Valuation.

2621. Those two valuators would virtually be the Sub-Commissioners, would they not?
Assuming that there was no appeal from their decision, they would.

2622. But

* The witness afterwards asked to correct this statement, he having recollected that the Sub-Commissioners had been twice round the towns on their circuit.—*R. H. Orr.*

2622. But there is an appeal from the Sub-Commissioners, is there not?
Certainly.

2623. Then these valuers would not only have to value the holding, but they would have to enter into that which we understand is perhaps the most difficult question, the apportioning of the part of the rent which is to be assigned to the tenant's improvements, would they not?
Certainly.

2624. They would have to try the question of what the improvements were, and who made them, and what the value was?
Certainly.

2625. And they would have, therefore, not merely to go down as valuators, but to sit as judges and take evidence?
They should not take evidence; they should certainly inquire into those matters which were alleged to be improvements, and have them pointed out to them.

2626. Would it be any better to take the tenant's conversational statement?
Of course the landlord would have his representative there, to contradict anything the tenant might allege, if necessary.

2627. Is not that very much like taking evidence?
To that extent it is, but I do not think they should supplement it by bringing in professional men before them.

2628. You would dispense with professional valuators?
Quite so.

2629. But with regard to questions of fact, there would be difficult questions about improvements, such as when they were made, and by whom they were made, what was the cost, and so on?
Of course that must be inquired into.

2630. Marquess of *Abercorn.*] You would require two valuators for every Sub-Commission, would you not?
Of course you would.

2631. *Chairman.*] What would you do if they differed?
Then they would go in the ordinary way before the Sub-Commissioners. I presume their report would not be adopted.

2632. Marquess of *Salisbury.*] Do you not think they would generally differ?
Not if appointed in the way I suggest by the Valuation Office.

2633. Who?
The Commissioners for tenement valuation; Mr. John Ball Greene is at the head of it.

2634. Do you think that their impartiality could be relied upon?
I think so.

2635. Is it not rather difficult to get an impartial valuator now in Ireland?
Certainly in the way they are appointed at present by the Land Commission; I am referring now to the Court valuers, of course.

2636. *Chairman.*] We understand that the Sub-Commissioners, so far as we have heard, have not appointed valuators?
Not in the way that the Chief Commissioners have done, but they have once or twice asked an independent valuer to make a report to them.

2637. Have they done that in your neighbourhood?
Yes, I have known them to ask Mr. Edward Murphy to make a report to them.

2638. Marquess of *Salisbury.*] It was stated to us that valuers were somewhat carried away by the stream of popular feeling, and not wholly uninfluenced by a desire

desire of standing well with the Sub-Commissioners; has that come at all across your experience?

I can only give you the results of the cases which I know they have dealt with, and certainly their valuations are very low. I refer to the case of Mrs. Dunseath. Mr. Gray and Mr. O' Brien made an independent valuation at the request of the Chief Commissioners; I have copies of those valuations here.

2639. Without referring to an individual case, your impression is that the tendency of valuers has been to be unduly low in their valuation?

I think so, so far as my personal knowledge goes.

2640. Would you attribute that to any arguments they might derive from the state of prices, the competition of America, and so forth; or to any circumstance arising from the political condition of Ireland?

I should think it would arise probably from the instructions they would get from the Chief Commissioners, as to what principle they were to make their valuation upon.

2641. Then you have not seen such tendency to lowness of valuation on the part of the private valuers, who are appointed by the landlords?

No.

2642. You have not seen that, I understand you to say?

Certainly there is a difficulty in getting independent valuers on the part of landlords.

2643. Lord *Tyrone.*] Have you heard any reasons for the valuations which have been given by landlords' valuators being in some instances below the original rents, or have you heard any reasons given by the valuators of the landlords for valuing so low?

I have not.

2644. Earl *Stanhope.*] Do you think that Mr. Dickson's Bill (to which you have before alluded) would facilitate the decision of the Sub-Commissioners in determining fair rents?

I think so. If the valuators were appointed by an impartial tribunal like the Commissioners of Valuation, I think their valuations would be adopted in many cases.

2645. And you think that more cases could be decided than are at present?

I think so; and that is the only solution of it that I can suggest, apart of course from multiplying the number of Commissions and Sub-Commissions.

2646. *Chairman.*] According to your suggestion, if they differed there would be no decision, and they must therefore go before the Commissioners?

They must go, and would go, but I imagine that a great number of cases would be settled on their report, and there would be no appeal from it.

2647. Do you think there would be more done in the way of settlement of cases if any principle was made known by the Sub-Commissions in the way of giving their decisions?

No doubt it would aid a good deal; if the principles were declared, no doubt that would assist. I think that is a very strong point.

2648. Have the landlords and tenants at present any data to go upon as to the principles upon which the Court proceeds in fixing their rents?

None whatever, so far as my experience goes. I certainly think that the Commissioners should first of all declare what is the gross letting value of the farm, and then declare how much should be taken off for the tenants' improvements, giving the facts and figures. No doubt they should be pressed to do that in every case. That is absolutely necessary, owing to the decision of the Court of Appeal in the case of *Adams* v *Dunseath.* If that is not done that decision is utterly worthless.

2649. Unless they discriminate between the two elements, you mean?

Undoubtedly.

2650. There would be no opportunity of knowing that the decision is adhered to unless that were done?
None whatever.

2651. Lord *Tyrone.*] In your experience of the Sub-Commission Courts, what is the difference between the way in which the evidence given by the landlord is taken, and the evidence tendered by the tenant?
I do not understand. The tenant's valuator simply gives a rough value of the whole farm. They do not attempt to give the field to field valuation; they never have maps, and of course the landlords' valuers value it with all those materials, and give the evidence very particularly.

2652. Have you had any experience of a landlord who had his land let high, having it reduced in the same proportion as a landlord who had his land let low?
I have certainly known of high rents being made fair rents, and of what were reasonable rents before being made low rents, much about the same proportion being taken off each.

2653. Marquess of *Abercorn.*] In fact the landlord whose rent was high had a better chance, on the whole, than the one whose rent was fair?
He had a better chance, certainly; that is my experience.

2654. Lord *Tyrone.*] I think you mentioned in reply to the noble and learned Lord, that there has been great inconvenience in consequence of no reasons being given for the decisions?
Certainly, because, in the absence of reasons, it is utterly impossible to know whether you have any grounds for appealing or not.

2655. Is it not also a great cause of preventing settlements out of Court?
I thing so, certainly.

2656. Do you consider that there would be more settlements out of Court if the landlords and tenants both knew the lines on which the Sub-Commissioners were proceeding?
Undoubtedly.

2657. I suppose you act for a large number of landlords?
Yes, I act for several large landowners.

2658. From your knowledge of them, are they inclined to settle out of Court, and do you think they would do so if they had some sort of a line to go by?
Yes, I think they would.

2659. I suppose that would materially assist in preventing the block which at present exists in the Land Courts, would it not?
Certainly.

2660. What is your experience of the effect of those decisions upon the state of the tenantry of Ireland lately?
I think they have got most extravagant ideas now. They are getting much more than they ever expected, and the consequence is that tenants who were perfectly contented at the commencement of those enquiries are now quite discontented, and are making extravagant demands from their landlords. I know several cases in point.

2661. Can you quote any particular cases that have come under your own notice?
I know a case near Larne, where I am agent for the property; when I first became the agent two tenants there asked me to give them leases at their then rents.

2662. *Chairman.*] What year was that in?
About 1869 I think, as near as I can recollect; I think they were minors in that case; I could not give them leases, but I said I would not raise the rents, and never did raise the rents; those rents have been paid punctually all along: they

they are very low rents, something below Griffith's valuation, I think. A very short time ago those two tenants waited upon me, and said it was utterly impossible that they could continue to pay such high rents, and demanding a very considerable reduction, amounting to something like 30 per cent.

2663. Marquess of *Salisbury.*] What sort of rents did these tenants pay?
About Griffith's valuation.

2664. I mean, what sum did they pay?
In one case the rent was 60 *l.*, and in the other about 55 *l.*

2665. Lord *Tyrone.*] Do you think the bad years may have had anything to do with their demand?
Yes, perhaps a little; no doubt farmers have not been quite so prosperous the last few years as formerly, but the difference has been not at all sufficient to justify such a great reduction as was demanded.

2666. With regard to the valuation made by the Chief Commissioners' valuators, have you had any experience of their valuing land at a time when it would be impossible to ascertain its true value?
In the Dunseath cases, one of the farms was partially flooded at the time the valuers went out to inspect it.

2667. What valuators were those?
The Court Valuators, Mr. Gray and Mr. O'Brien.

2668. And one of the farms was flooded, was it?
Partially flooded. There had been a good deal of rain at the time, and the river which runs past the farm had overflowed its banks. In fact the land is subject to floodings, and in that condition it was of course utterly impossible for them, they being strangers there, to place any value upon it.

2669. But they valued it in that state notwithstanding, did they?
They did.

2670. As to the delay there is likely to be in hearing the cases already listed, what length of time do you anticipate it will take to hear the cases that are already before the Courts?
That is very difficult to estimate; several years at least I should say, unless some principle is laid down, or some new plan devised. If allowed to go on as at present, it will certainly take eight or 10 years, I think.

2671. Are you calculating the number of cases actually listed, and in respect of which notices have been served?
Yes, I refer to about 70,000 cases.

2672. But I suppose you are under the impression that a great number of additional cases will come in?
Certainly.

2673. Your knowledge, I suppose, is mostly confined to the north of Ireland?
My knowledge is confined to the county Antrim.

2674. Do you consider that the greater number of tenants will be likely to go into Court, as things are going at present?
I certainly think so. I know that in the case of the estate of Lord O'Neill, where there are 3,000 tenants, as yet only 90 have served originating notices, but I imagine that many others are waiting to see the result of those cases.

2675. *Chairman.*] Have the 90 cases been heard yet?
No; two have been heard lately.

2676. Lord *Tyrone.*] You do not seem to anticipate many settlements out of Court?
Certainly not, unless principles are laid down. Everybody is quite in the dark at present.

2677. Do you not consider that it will be a great difficulty at the end of 15 years, if there is no record for both landlord and tenant, of the way these decisions have been arrived at?
Certainly; and that is another reason why these particulars should be given.

2678. It might affect the tenant almost in as great degree as the landlord, might it not?
It might.

2679. Do you think there might be a further inducement to the tenants not to pay rent, pending their cases being decided?
By reason of the long delay, does your Lordship mean?

2680. Yes?
Yes, certainly; I think they are much dissatisfied.

2681. As to the purchase clauses, I suppose you agree with the previous witnesses we have had before us, that up to the present time they have not been worked at all?
They are a dead letter at present.

2682. What would you propose in order to make them more workable?
Of course if you extend the time which the tenant has to repay the purchase money, and give him better terms with regard to that, I think that would be an improvement; for instance, if instead of repaying in 35 years, they had 60 years, or some period like that, in which to repay the purchase money. I do not see the slightest use of having any enactment about it, unless some advantage is given to the tenants; that is, they would not be content unless they paid something less than the judicial rent.

2683. That is to induce the tenants to buy?
To induce the tenants to buy.

2684. Do you think that if money was lent to them in such a manner as to enable them to have their farms at a certain future date by paying less rent, that large numbers of them would be inclined to purchase?
I think they would, decidedly; certainly in the north of Ireland.

2685. Do you think that large numbers would do so?
Large numbers.

2686. And they would prefer purchasing to the expense of going into the Courts, you think?
Yes, certainly, if they got some gain by doing so.

2687. But would they be prepared to purchase upon their present rents?
No, not the present rents, but the judicial rent.

2688. But then they would have to go into Court first, would they not?
Certainly.

2689. Then there would be no purchase until after all those cases had been settled?
I think not.

2690. Would not that be a great bar to the future arrangements as to purchase?
Certainly. There is no facility given for settling these cases. If the block is not removed, the purchase clauses will be interfered with.

2691. *Chairman.*] Might not one of the inducements to purchase be the getting rid of the cost and uncertainty of the proceedings necessary in order to get a judicial rent fixed?
Of course if you declared a standard on which they were to purchase, it might be.

Supposing

2692. Supposing the landlord and tenant could settle between themselves how many years' purchase of their present rent they would agree for; of course that might be a smaller number of years' purchase than the number required for a purchase on the footing of a judicial rent?

Of course in some cases they might agree, but I fancy until they knew exactly what the judicial rent was to be, they would not be inclined to purchase.

2693. Have you any case that leads you to that conclusion?

No, I have not.

2694. It is only your own supposition?

My own supposition.

2695. In your neighbourhood have they a disposition to become the owners of the land rather than to remain as tenants?

Before the Act they certainly were very glad to buy when the opportunity arose. I have known several cases where the tenants bought at very large prices indeed through the Landed Estates Court, but now of course their expectations are so high, in fact they are so unsettled, that you cannot get them to agree to do anything.

2696. Lord *Tyrone.*] Have you heard any suggestion by which these purchase clauses might be made more workable, or have you any suggestions yourself to offer?

Of course there are several suggestions which I have seen. I myself have no particular suggestion to offer, except a very rough one. For my own part I would prefer that the landlords should not be purchased out. I think it would be very bad for the country if they should be. I should like some scheme which would still keep the landlords in the country, if such could be devised, as, for instance, by giving perpetuity leases at judicial or fair rents, and then the State advan ing money to enable say three-fourths of the rent to be purchased by the tenant on reasonable terms; I think that some scheme like that would be beneficial to everybody. The landlord would be retained in the country; he would have a small interest left.

2697. Marquess of *Salisbury.*] Do you not think he would go and spend the money somewhere else?

I think from the landlord's view it would be better to purchase out and out.

2698. If he got a perpetuity rent, he would still go and enjoy that perpetuity rent somewhere else, would he not?

He would be still the nominal owner of the property, with rights as to minerals, and rights of shooting, and his residence would be there still; of course he might go away.

2699. Marquess of *Abercorn.*] He would be something in the position of a landlord who has given a long lease, would he not?

Exactly so?

2700. Lord *Tyrone.*] Is he not, under this Act, a nominal owner?

No doubt he is.

2701. I suppose he would have almost all the advantages that are left him, under this Act, if he gave a perpetuity lease?

Yes, certainly.

2702. Therefore you consider that this Act more or less gives leases in perpetuity to the tenants?

Yes, I do certainly. Still, of course, it is subject to revaluation at the end of every 15 years.

2703. Do you think there is any likelihood of those revaluations being at any time in favour of the landlord?

My own opinion is that they will not be so, but of course there is a great difference of opinion upon that point. Some people think that tenants will be encouraged to spend a great deal of money upon their farms, and that there will be no chance of getting any further reduction, but I do not hold that opinion.

2704. What do you mean by no chance of getting any further reduction?
No further reduction at the end of 15 years, because their improvement will be so great.

2705. But surely under the working of this Act those improvements could not possibly be charged in rent?
No doubt that is so; still the farmers would seem to be thriving and flourishing, and there would not be the same necessity for giving a reduction of rents as there appears to be at the present time.

2706. I dare say it would a good deal depend upon the class of Sub-Commissioners who went to look at the holdings, would it not?
No doubt it would; but I do not say that that is my view.

2707. Duke of *Somerset.*] With a view to the settlement of cases out of Court, I think you said it was very desirable that the Commissioners should lay down some principles of valuation; did I understand you to say that?
It would certainly assist a great deal.

2708. Have you any notion upon what basis principles of valuation can be laid down?
Yes, the principles might be these: first of all, they should ascertain what is the full letting value of the holding, as it stands, with all the improvements upon it.

2709. Do you mean the competition value for letting, or the market value, or what value do you refer to?
The full letting value, the commercial rent, some people call it. Perhaps it would not be quite fair to charge the competition value, because there is such a desire by tenants to get possession that they are inclined to give much more than the place is really worth, if put up to competition. I think it should be what would be a fair price in the market; then to deduct from that the value of the tenant's improvements, taking into account, of course, the length of time those improvements had been enjoyed.

2710. How would you value the improvements, because we are told that a tenant may build a hovel, and he may inclose his land with very small stone walls or ditches, and that the best thing for the landlord to do would be to pull down the hovel and do away with the stone walls; then are you to value them according to the tenant's notion, or according to the future value that the landlord would have to give?
In a case like that, I presume, there would be no value put upon that at all.

2711. Duke of *Norfolk.*] You mean not with regard to what is done now?
In my opinion the buildings are excluded altogether, as a rule, from valuations.

2712. Lord *Brabourne.*] Have you been able to detect any principles as guiding the decisions of the Sub-Commissioners?
No.

2713. I mean you do not think that they have followed Griffith's valuation, for instance, or that there has been any other ruling principle?
The results would certainly prove almost that they have been guided a great deal by Griffith's valuation; but from the remarks of Mr. Justice O'Hagan in his judgment in the appeal case of Adams *v.* Dunseath, it would seem as if they deducted altogether, not only the cost of the tenant's improvements, but the full letting value that was caused by those improvements.

2714. Marquess of *Salisbury.*] That judgment has been upset on appeal, has it not?
That has been upset on appeal. Of course if that were done it would take a great slice off the landlord's rent.

2715. Lord *Tyrone.*] Have you any other suggestion to make which you think it would be of advantage to this Committee to know?

I think

I think it would be very desirable that the Government should lend money to landowners at 3 or 3½ per cent.

2716. For what purpose?
For the purpose of paying off incumbrances. There are a many landlords who have now, of course, a very small margin; if that margin were cut away they would be left with nothing; whereas, if they could get money on easier terms to pay off their incumbrances, they would then have some of that margin returned to them.

2717. Do you not think it would be a much greater advantage to enable the landlords to sell their properties?
I only put that as an addition to the other.

2718. Would you put it as an addition or as a suggestion if the other were not adopted?
I should give both.

2719. But would not both cost a great deal of money?
I presume if the landlord borrowed in that way, he might be content not to sell.

2720. Has it struck you that it might be very unfair to those landlords who have no mortgages?
Certainly; that is the only objection to it, of course.

2721. Earl of *Pembroke and Montgomery.*] Would not the landlord, the margin of whose income was swallowed up in that way, find great difficulty in giving proper security for such a loan?
I think not; of course the State would see that they did not lend up to too large a margin; they might lend perhaps only half the value of the estate. Of course any remarks I make refer to the North of Ireland, where rents are pretty fairly paid.

2722. Lord *Kenry.*] Do you know at all what is the general view taken of the improvements executed under Board of Works' loans; can you say whether they are supposed to belong to the tenant who pays the interest, or to the landlord who mortgages his property?
I think the inclination has been to give the tenant the benefit of those at the end of the period if the loan has been repaid by the tenant. Generally the tenants were charged interest on those advances in their rent, and when the loan was repaid, I think the inclination is to give the benefit to the tenant.

2723. So that the landlord has no interest in that matter?
No; but I presume that will be upset now by the decision of Adams *v.* Dunseath. I do not know any particular case where that has been brought forward.

2724. Marquess of *Salisbury.*] It was given to us in evidence that it would be some time before that decision of Adams *v.* Dunseath would percolate through the Sub-Commissioners' Courts and receive recognition from them in their judgment. Is that your impression?
The case is not yet determined, and will not be before Easter.

2725. The re-hearing you mean?
Yes; the re-hearing has not been determined yet, but I should think that when the figures are known, in that particular case, the rent will, I expect, be brought up again to what it was. I think that must more or less tell very shortly.

2726. Duke of *Somerset.*] Did I understand you to say that the rents in Antrim are generally pretty well paid?
Yes.

2727. There is not any large amount of arrears of rent there?
There is not, generally speaking.

2728. Lord *Tyrone.*] Have you any other suggestion to make?

I should suggest also to facilitate the re-hearing of cases; that cases originated in the County Court should not necessarily be transferred to the Land Commission Court, on the application of the tenant. I understand the Commissioners have held it to be mandatory upon them to transfer the case on an application being made. If you have two Courts sitting like that, when cases originate in each, you will have of course two tribunals to hear them.

2729. But by the Act it is necessary that if application is made by either landlord or tenant, the case should be moved from one Court to the other, is it not?

The Act only says "may be" moved, but I understand the Commissioners have decided that to mean "shall." I say if there is any doubt about that, the Act should be amended in that respect.

2730. If you made it not optional, would it not follow that if the tenant lodged the case in the County Court, it would be obliged to be heard there; and if the landlord wished it to be heard in the other place, he could not move it. On the other hand, if the landlord wished it to be heard in the County Court and placed it there first, the tenant could not move it?

Of course, on good cause shown, I would allow it to be transferred.

2731. Then the party who first lodged the notice in the County Court, according to your proposition, would be able to control that matter, would he not?

Certainly.

2732-3. That would bring the County Court in as well as the Sub-Commissioners?

Yes. I think there should also be power to transfer cases from the Land Commission to the County Court. Of course there is no power at present in the Act for doing so, but I think it would facilitate matters very much, owing to the block of the Land Commission Court, if a number of those cases were sent down to the County Court.

2734. Earl of *Pembroke and Montgomery.*] When a County Court judge hears a case, he does not go on to the holding, I believe, himself, but sits in Court and sends one or two valuators on the holding, is not that so?

I have no experience of that; we have not had any case in my district.

2735. You can tell me whether a judge whose whole time is devoted to the work, would get through his work quicker than the Commissions as at present constituted do, can you not?

I do not know that he could do it quicker, but there would be the additional Court.

2736. What I mean is this, the County Court judge, it seems to me, would be able to sit nearly the whole week, while the skilled valuators were employed upon the holdings?

Yes, if you make his sittings continuous, but the County Court judge only sits occasionally.

2737. If the Sub-Commissions were organised on the same principle, they might be able to get through their work a great deal faster than they do at present, might they not?

Certainly.

2738. Earl *Stanhope.*] Do you recommend any scheme of registering improvements?

Already there is a scheme for that under the 6th section of the Act of 1870; the landlord or the tenant can register their improvements in the Court, but I do not think it has been done to any great extent.

2739. Lord *Carysfort.*] Was it not the custom for tenants to register improvements before the Act of 1870, in many cases?

No, it was never done before 1870.

2740. Earl *Stanhope.*] That clause is permissive and not compulsory, is it not?

It is permissive, certainly.

2741. Do you think it ought to be made compulsory in order to formulate exactly what the tenant's improvements are?

No, I think it would be rather hard on the tenant to make it compulsory; because, of course, by inspecting the holdings, it can easily be ascertained what has been done. It would be rather hard upon the tenant if he failed to register the improvements that he should not get credit for them; I presume that is what your Lordship means.

2742. I mean by exactly establishing what are tenant's improvements, and what are not; if they were registered they would be really *bonâ fide* tenant's improvements, if not registered they are merely improvements, which his witnesses declare he has made?

The Act of 1870 clearly defines what improvements are; there can be no difficulty with regard to what are improvements, and what are not improvements.

2743. Lord *Tyrone.*] With regard to the Purchase Clauses, do you think if the whole purchase-money were lent, it would be an advantage to the tenants?

Certainly.

2744. And they would be encouraged to buy?

Certainly.

2745. Do you think there is the least likelihood of their buying if they have to advance any portion of the money?

I do not; there may be a few cases where they possess the money, but they certainly will not borrow it from outside sources.

2746. Do you consider that if the Government were to purchase the land, and the tenant's interest is defined by the new Act, that they would have a larger security than they would have had before the passing of this Act?

I do.

2747. Therefore I suppose I may infer that you think that the money advanced would be fairly secured?

I do; certainly in the northern districts of Ireland. Of course I know nothing about the south and west.

2748. Earl of *Pembroke and Montgomery.*] Under the Act of 1870, are improvements valued by the cost to the tenant, or by the addition to the letting value of the holdings?

By the cost.

2749. Can a tenant claim the cost of an improvement which may make no addition to the value of the holding?

No, the court are to take into account whether the improvement is suitable to the holding; then, in addition, must take into account the length of time the improvement has been enjoyed.

2750. That only applies to improvements made before the Act of 1870?

Certainly. There are one or two other points which, with your Lordships' permission, I might suggest.

2751. *Chairman.*] What are they?

I think with regard to costs, it is very unfair to a tenant for life that he should have to pay them. Take such a case as Lord O'Neill's, with two or three thousand tenants; if all those came into Court, it is obvious what an enormous expense there would be. I think there should be some provision for charging that on the inheritance.

2752. Duke of *Somerset.*] Charging it on the estate, you mean?

Yes.

2753. *Chairman.*] The tenant for life represents the estate, and has to bear the cost?

It is very hard that he should have to pay that out of his income. I also would suggest, that in the originating notice the tenant should specify the improvements he claims credit for; giving the dates at which those improvements were made.

2754. In the same way that was done under the Act of 1870, do you mean?
In the same way that was done under the Act of 1870. Of course, at present, those particulars can be got by giving notice, but it would facilitate matters if they were given originally, with the originating notice.

2755. Marquess of *Salisbury*.] Would that be a very onerous duty to place upon the tenant?
No, because under the Act of 1870, they had to do the same thing.

2756. There is an impression on the part of some witnesses, that it would give to the tenant so much trouble, and cost him so much money, that it would be a practical denial of the Land Court to him?
I do not agree with that, because by serving notice you can get the particulars now, therefore why not give them at the outset.

2757. Duke of *Norfolk*.] Are they always given according to your experience when the notice is served to which you refer?
By serving notice, it is mandatory now to give particulars. At first there was a little difficulty about it, I believe.

2758. Duke of *Somerset*.] Are the holdings in Antrim generally small?
Yes, as a rule they are small holdings. I should think 20 acres would be the average of the farms in the north of Ireland.

2759. Do you find that practically many improvements are made by those tenants?
Since 1870 there is no doubt there have been considerable improvements made.

2760. But before that time was it so?
Before 1870 the improvements were almost nil, in my opinion.

2761. Then the Act of 1870 was so far good that it tended to make the tenants improve?
Yes, I think one may fairly say so.

2762. Earl of *Pembroke and Montgomery*.] But it put a stop to landlords' improvements, did it not?
Yes.

The Witness is directed to withdraw.

*Ordered*, That this Committee be adjourned to Tuesday next, at Twelve o'clock.

# *Die Martis, 28° Martii, 1882.*

LORDS PRESENT:

| | |
|---|---|
| Duke of NORFOLK. | Earl STANHOPE. |
| Duke of SOMERSET. | Earl CAIRNS. |
| Duke of SUTHERLAND. | Viscount HUTCHINSON. |
| Marquess of SALISBURY. | Lord TYRONE. |
| Marquess of ABERCORN. | Lord CARYSFORT. |
| Earl of PEMBROKE and MONTGOMERY. | Lord KENRY. |
| | Lord BRABOURNE. |

THE EARL CAIRNS, IN THE CHAIR.

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MR. JOHN WILLIAM SCOTT, is called in; and Examined, as follows:

2763. Duke of *Somerset.*] You have, I believe, been engaged in the management of land in Ireland for many years?
I have.

2764. For about how many years?
For about 30 years I have been in business there.

2765. Has your experience extended to different parts of Ireland, or has it been confined to any particular part?
The south and west principally; Cork and Clare and Limerick, and as far north as Meath, but not further north.

2766. You have been engaged in connection with various properties, have you not?
Yes, until the last eight years I was in general business. I was the agent of Lord Midleton's estate for many years. During the last eight years I have been the agent of Lord Leconfield; I only hold one other agency in the county of Meath.

2767. In what counties are the estates of Lord Leconfield situated?
Lord Leconfield's properties are in Clare and Limerick; he has also a small portion of property in Tipperary; the other property is in Meath. I was for more than 20 years connected with Cork.

2768. Are the holdings in Clare and Limerick small, or are they average holdings?
They vary. There are some large holdings, but there are a very considerable number of small ones. Some of the Limerick holdings are large ones; many of the Clare holdings are very small, though not so small as they are in the county of Galway and Mayo.

2769. Viscount *Hutchinson.*] What is the average size of the holdings?
I should think the average would be about 40 to 50 acres.

2770. Are they what we call "40 acre men"?
Yes, but that is really very little criterion as to parts of Clare, where they have large runs of grazing land for young stock; they do not know themselves how

how many acres they have, and they are not paying perhaps more than about half-a-crown an acre for it.

2771. It is mountain land, you mean?
Mountain land and craig land, though we have not very much of the craig land there.

2772. Duke of *Somerset.*] Have the rents generally been paid latterly?
For the last two years there has been a difficulty about the rents; but up to that time I may say there were no arrears at all, that is up to 1879. When I took over the agency there was only one man returned in arrear up to the time the account was closed, and the arrears did not materially increase, or at all, beyond one or two men breaking in the course of the year, and those we dispose of by striking off their arrears. Of course since 1879 very considerable arrears have accrued.

2773. Are the arrears chiefly on the small holdings?
No, I could not say that. I think I may say that all of them have fallen back half a year in arrear.

2774. Viscount *Hutchinson.*] Do you mean that they owe half a year's rent, or a year and a half's rent?
I have just made up my account for the March rents 1881, and there is something over half a year's rent due on the whole estate.

2775. Up to March 1881?
Up to March 1881; I was supposed to close the account on the 1st January 1882 for the March rents, and there was about half a year's rent due then.

2776. Marquess of *Salisbury.*] You mean to say there was money owing which ought to have been paid in October 1881, and which has not yet been paid?
Exactly.

2777. Marquess of *Abercorn.*] Have you a hanging gale?
Yes; we do not admit it, but there practically is a hanging gale.

2778. Lord *Tyrone.*] The rents were paid punctually up to the last two years, I understand you to say?
Up to 1879.

2779. Do you consider that the arrear has arisen through the bad years or through the agitation that has been going on in the country?
Through the agitation. There have been a certain number of the tenants who have been able to pay their rent through bank accommodation and so on; but I think that few of Lord Leconfield's tenants, comparatively speaking, were so far gone that they could not pay; great numbers of them have the money now, and are willing and anxious to pay if they were allowed to do so.

2780. Duke of *Somerset.*] Do you mean that they are intimidated?
Yes, but there is also a great deal of scheming not to pay it, thinking they will get an abatement by the delay, and they are waiting to get an abatement.

2781. Lord Leconfield's property we have heard is managed very much on the English system; is that so?
As far as practicable it is.

2782. Is the building on the estate done by the landlord generally?
In the case of Lord Leconfield's Estate he wished to erect all the buildings; he preferred to do it himself. If any tenant wanted buildings erected or drainage done, Lord Leconfield was prepared to do it for him, and did do it, charging interest according to circumstances; but of course there were a very large number of the tenants who did not avail themselves of it.

2783. Marquess of *Salisbury.*] And who did their own buildings?
They did some; but very little has been done during the last 20 or 30 years except what was done by the landlord.

2784. Duke of *Somerset.*] The improvements on the estate have been small have they?

They have been very trifling since about the year 1848 or 1850, when the late Lord Leconfield commenced making improvements; but there is no doubt that a great many odd drains and houses will turn up as tenant's improvements, and as to which we knew nothing, when they come to bring their cases into Court for the fair rent to be fixed. A man may make a little bit of a drain, and nothing is known about it; because, sooner than pay any additional rent in the way of per-centage upon the outlay, he will naturally do it himself.

2785. Viscount *Hutchinson.*] You have had some cases before the Court, I think, have you not?

Yes, I have just had 10 cases.

2786. With regard to the point which you have raised as to the tenant all of a sudden discovering in certain cases that he has erected buildings or made drains, you are never aware of what he claims a reduction of rent upon until you actually come into Court, are you?

No. It so happened in these cases that they all showed them to me when I went there. I am on very good terms with the tenants, and they made no concealment of them; but if they had not pointed them out to me I would have been in a very great difficulty; and other persons complain very much indeed of that state of things.

2787. I suppose this knowledge comes to you entirely from the tenant's own free will?

Entirely; as soon as I have known that a case was coming on I have always gone on the lands myself just to see what the tenants claimed; I have then asked what improvements they have made, and they have shown them to me without any hesitation.

2788. Have you ever gone through your solicitor and asked for particulars?

I have instructed my solicitor in two or three cases where I was not certain that the same facilities would be given me to serve notice on the tenants.

2789. But that does not oblige the tenant to give them, does it?

Certainly not; you can apply to the Court, I believe, to get an order for particulars, but that you do with great trouble and expense; and that is a very great defect in the Act.

2790. Lord *Brabourne.*] Were these large improvements that you are speaking of in this particular case?

No, not very large.

2791. Have they been adjudicated upon?

Yes, the fair rent was fixed in those cases.

2792. Was a large allowance made for the improvements?

No, there was nothing extraordinary for what they proved; they were not of any very great amount.

2793. Viscount *Hutchinson.*] Do you mean that a large allowance was made to the tenants?

Not for the value of the improvements; the Commissioners admitted a certain set of improvements made by the tenants, and, I presume, deducted the value of them out of the rent they fixed.

2794. How are you able to ascertain that?

I have no means of ascertaining it, and there ought to be a record of it.

2795. Lord *Brabourne.*] At all events, you do not complain of the improvements in that particular instance; they were *bonâ fide* improvements?

Those that the tenants proved or deposed to were *bonâ fide* improvements; it was simply a question of amount.

2796. Still after that you do not at all know what ground was taken, if any indeed, in respect of those improvements, in fixing the rent, do you?

The Commissioners took an account of them in their own private note books; I went over the farms with them when they were reviewing them and valuing them, and they referred to each of those cases, and said you claim so much for such-and-such drains, and the tenants pointed them out to us.

2797. But in giving their judgments they did not give any indication of the effect which those improvements had upon their minds?

I was not in Court when they gave their judgments, but I understand they did not.

2798. Duke of *Somerset.*] Have you had many cases before the Sub-Commissioners?

As yet I have only had these 10 cases, which were all tried together.

2799. Have you had any cases before the county court?

No, there have been none tried by the county court judges in Limerick or Clare, so far as I know.

2800. Earl of *Pembroke and Montgomery.*] How is it that these cases did not come under the English Estates Clause?

There is only one of them in respect of which we could claim it; that was one in which Lord Leconfield had made the improvements. It is right to say that an appeal was lodged in all those cases, but in that particular case the reason why it did not come under the English Estates Clause was, that it was on an existing tenancy that the expenditure had been made. It was not the case of a tenant who had been put into a farm where all the improvements had been made and where everything was in perfect order for him; he had been an existing tenant who had purchased the interest of his predecessor, and after he was there he wanted buildings, and Lord Leconfield erected them for him. The first expenditure was 226 *l.*, I think, for outbuildings; the rent then being considered sufficiently high 500 *l.* was spent in building a house, for which no charge was made, and it was upon that point particularly that we pressed that it was an English tenancy, and that case is being appealed.

2801. Do you think that that clause in the Act will keep any of Lord Leconfield's tenants out of Court?

Yes, I hope so; I am not a lawyer, but I think if it is effective in any case it will be in what is called the model farms. Lord Leconfield and his father in the years 1848 and 1852 formed some large model farms; those are instructive farms, consisting of complete sets of farm buildings; they were drained and fenced, and let as in the case of an English tenant.

2802. Duke of *Somerset.*] You had 10 cases, as I understood you, before the Court; have you settled any cases out of Court?

No, I have not. The tenants are most anxious that I should, but I do not know how to approach that matter. Of course the tenants will not settle with me unless they get very good terms, and I do not know on what principle to go. I have always said I could not tell what a fair rent is, nor can I instruct anyone upon the subject.

2803. You do not know upon what principle to go in order to settle out of Court?

Not in the least; I have nothing to guide me in anyway.

2804. Have not those cases that the Sub-Commissioners have decided enabled you to form any opinion?

Not the least. I am more at sea than ever; from the decisions they have given, I cannot form the least idea. They have reduced all those rents, some of which were, to my mind, extremely moderate; they have made small reductions, bringing some of them down below Griffith's valuation.

2805. Lord *Brabourne.*] Have you appealed, or is it the tenant who has appealed in those cases?

We have appealed.

2806. In all the 10 cases?

In all the 10 cases.

2807. Duke of *Somerset.*] In England landowners have had to reduce their rents considerably; do you consider that the rents have been reduced more in proportion in Ireland, on Lord Leconfield's property, for instance?

I do not think the cases in England and Ireland are exactly similar. Lands in England are generally let on a rental scale; the whole of an estate would be let very much upon the same scale of valuation. In Ireland it is different. On Lord Leconfield's estate most of the lands are let very moderately indeed, and some considerably below the value; but there are cases where from special circumstances the rents have been, not excessive, but higher than the others, and there has been no alteration or rise in the rents since he got them from the middleman.

2808. Are the rents in those cases, rents that have remained for many years the same?

The most of those were cases where there was a lease surrendered by the middlemen in 1847, and he had to take over the sub-tenants until the termination of the lease in 1852. Then there were large reductions made in the rents, and they have been unchanged since, except where Lord Leconfield may have spent some money on improvements, and then something was charged for them.

2809. They have been uncollected for about 30 years?

Yes; and paid with the most scrupulous punctuality. I prepared a paper in each case for the Sub-Commissioners for the eight years, since I became agent, showing how the rents were paid; they were paid in June and December with great regularity. This marginal case I have before me paid the fixed rent, without a single exception, in June 1880. In the year 1880 he dropped a half year and paid twice in the year 1881 on two different days; the rent was paid without difficulty, and it was the highest rent of all.

2810. Lord *Tyrone.*] You had experience of the management of land in England before you went to Ireland, I believe?

Yes, I managed Lord Midleton's estates in England and Ireland for 20 years or more.

2811. What would your idea with reference to the comparative lettings of land in England and Ireland; would you consider land in Ireland let a good deal below the average land in England?

Very much. I should say the average was very considerably less; certainly as regards Lord Leconfield's estate, which is what I am referring to. In England lands are let at a valuation of what a competent experienced professional man said the lands were worth. In Ireland some of Lord Leconfield's lands would easily have fetched 50 per cent. more than he was charging at a competition rent.

2812. Marquess *of Salisbury.*] Did you have any opportunity of comparing the lettings with the decisions of the Commissioners in cases applicable to other farms in the neighbourhood, or did you observe any tendency to reduce, indiscriminately, without reference to the question whether they were high or low let?

I could not exactly answer that question, but if I may judge by the reports in the paper, the high-renting landlords come off better than the moderate chargers.

2813. You would draw that inference from what you saw in the papers, but you have no personal experience to support it?

I could not say that I have.

2814. Lord *Tyrone.*] You would suppose that the tenants on Lord Leconfield's estate would not feel the agricultural depression so much as tenants on an English estate, if I rightly understand your answer?

Certainly not; nor do I think, except in 1878 and 1879, that they had a cause for it; for I consider that 1880 and 1881 were very good years, and as far as I can understand, they were very bad years in many parts of England; 1880 and 81 were not bad years in Ireland. There was a great deal of grass in 1881, but it had not the feeding properties which it should have had; but I do

do not consider that either 1880 or 1881 were bad years; 1878 and 1879 were much worse.

2815. Marquess of *Salisbury.*] Do you apply to the whole of Ireland, or merely to a part?

To the part that I have had experience of.

2816. Lord *Tyrone.*] What sort of percentage would the reductions which were made on this (what is called a fairly rented) estate by the Sub-Commissioners represent?

The reduction that was made was about 4 per cent., I think. The old rent that existed in 1869 was reduced to 4 which is about 17 per cent.; and the Sub-Commissioners left them about 2 17 per cent. over Griffith's valuation.

2817. Did you employ a valuator?

We employed a Mr. Cox.

2818. And did he value the estate at the present rental?

The present rental was 569 *l.* 2 *s.* 1 *d.*; his valuation was 535 *l.* 9 *s.* 9 *d.*

2819. Therefore his value was a little below the present rent?

About 35 *l.* below the old rental.

2820. What is your idea as to that valuation? Do you think it in accordance with the valuation you would have put upon the same property?

Yes, I think so. I did not quite agree with him in some of his figures. I think in one or two places I should have been a little inclined to put them a little lower than he did. I think his valuation without their circumstances would a couple or three of the farms, I thought, that from have borne a little reduction, but nothing very considerable. There were five or six out of ten that I did not think ought to have been touched at all.

2821. Is it not most difficult for Irish landlords to get valuators at present?

It is impossible almost. The experienced and good men are so much engaged that it is almost impossible to get them, or, at all events, it is very difficult.

2822. Has it not been the case that almost a new standard of valuation has been set up by these decisions of the Sub-Commissioners in the last six months?

There were very few professional valuers in Ireland before. They may be and the men who are now valuing never made valuations before, but had experience, but very good farmers, and competent men perhaps, if they had a competition they have nothing to gauge their valuations by. Formerly there is nothing value to test whether our estimate was right or not, but now there is nothing but the Commissioners' value, and a man does not like to set up in case after case, and swear that such and such farms are 20 and 30 per cent. above what the tribunal that he is giving his evidence before decides is a fair rent, and, naturally, the tendency is to approximate. I think that has an effect, imperceptibly, upon the valuers.

2823. Therefore you think the valuators, as a rule, are valuing below what would have been the fair letting value before the Act was passed?

I think they are, and I think they argue that the old rents will not stand.

2824. Have you ever heard valuers state that it was better for them to put on a value as nearly as possible approaching what the Sub-Commissioners were likely to accept?

No; I have not heard them state anything of that sort.

2825. Is it your opinion that that is passing through their minds?

I think insensibly that it is passing through their minds, that they are trying to arrive, as near as they can, to what will be considered a fair rent.

2826. *Chairman.*] Do you mean that the decisions of the Sub-Commissioners are practically introducing a new standard of value?

Precisely.

2827. Earl of *Pembroke and Montgomery.*] I should like to ask you a question with regard to the valuation you spoke of just now, which was made on your own estate; you said that the valuation made by your own valuer was below those existing rents?

Yes.

2828. Yet you told us a little while before that the existing rents you thought were low?

I was speaking of the estate in general, but out of the ten I should say that about six of those rents that came before the Court were very moderate, and should not have been altered at all.

2829. In those cases in which the valuation was below the existing rent, you think the rents were high, as I understand you?

There were two or three of those cases, I think, where the rents were high, though they were not so high as other landlords in the county were charging; but they were high as compared with the average on Lord Leconfield's estate.

2830. Lord *Tyrone.*] What class of valuers do the tenants produce?

They are not valuers at all; every man had two separate witnesses, and I think that we had only the same men up on two or three occasions; they were mere working farmers, with the exception of three who were gentlemen farmers in the neighbourhood; they were none of them professional men.

2831. Lord *Brabourne.*] But they were men who farmed in that same neighbourhood themselves?

Yes, most of them were perfectly ignorant.

2832. Lord *Tyrone.*] Were they men of the class who were likely to have cases before the Court themselves?

Nearly every one of them admitted that they had cases; they were all men sailing in the same boat, and one of the gentlemen who came up was a tenant of Lord Leconfield's, on the adjoining land, who had served me with notices to fix fair rents; however, he said when our counsel asked him the question, that he did not intend to go on with them; he told me afterwards that it would not suit him to go on with them.

2833. With regard to what you said about a record being kept, I suppose you think that that would be of great advantage at the end of the first statutory term?

I think it would be absolutely necessary that there should be some record as to what basis the rent now has been fixed upon for 15 years hence; the improvements that have been now taken into account, may be taken into account again; we have no means of preventing it, unless there is a record kept in the office, which may be referred to.

2834. If there was a change of tenancy and a change of agency, nobody would know in what position they were placed, would they?

No,; or if there was a change of owners; there is no record of what has been taken into the calculation.

2835. You look upon the record as absolutely necessary?

I look upon it as absolutely necessary, unless there is to be great injustice done, or an opening created for great injustice at the end of 15 years.

2836. Do you think that having no record kept might act against the tenant, as well as against the landlord?

Of course it might; but I think it is more likely to act against the landlord, because the tenant will remember what he has done in the time, and the landlord will hardly be able to prove that buildings or drainage, that the tenant states he did subsequent to the fixing of the rent now, were done before.

2837. But if there were a change of tenancy, would there not be some difficulty?

Of course that might be so, but that is not very probable; the tenant will have neighbours or others from whom he will be able to get the necessary evidence.

2838. Marquess of *Salisbury.*] It would depend a great deal upon who were the Sub-Commissioners at that time, would it not?

I think it would, but I do not think the tenants will have any difficulty in getting evidence to show that within the 15 years the work has been done; there will be labourers, or somebody or other to assist them.

2839. But as it is a matter of pure chance who will be the Sub-Commissioners 15 years hence, it may tell against the tenant as well as against the landlord to have any essential part of the case made purely a matter of estimate on the part of the Sub-Commissioner, instead of its being a matter of record, may it not?

Of course that may be the result of not having it; I do not see how it could act unfairly by anybody if it could be obtained. I consider it is of more importance to the landlord, and it may be a benefit to the tenant; it cannot be any injury to him.

2840. Lord *Tyrone.*] With regard to the reasons being given for the decisions, do you think that there would be a likelihood of a large number of settlements being made out of Court, if you had some ground to go upon?

I think there would be more likelihood. Several tenants have asked me to settle, and I said, I really could not do it, because I could not give any instructions to a valuer; I could not send a competent valuer to value the land, for I did not know what the Sub-Commissioners might fix as a fair rent, and I might be doing a great injustice to him, or a great injustice to the landlord, if I went into a valuation under such circumstances.

2841. My question is more with regard to estates generally throughout your district, or throughout the South of Ireland, than with regard to Lord Leconfield's estate, because I understand from your evidence that you think that you have a particularly good case in Lord Leconfield's estate?

I think a much smaller number of tenants will bring me into Court there than on the neighbouring properties.

2842. Therefore, with regard to the neighbouring properties, do you not think that if there were some knowledge gained by the reasons of the decisions being given, there would be many settlements out of Court?

There would be more likely to be settlements, I think, and fairer settlements.

2843. And, of course, that would be a great element in doing away with the block at present in the Land Courts, would it not?

Anything that would lend to facilitate the settlement of cases would, of course, relieve the block.

2844. Is not fighting the cases before the Court very expensive, both to landlord and tenant?

Not to the tenant.

2845. It costs the tenant a certain amount of money, does it not?

It costs him very little. In the first place, I think the general rule is that attornies take the cases up for about two guineas each; that is, the more respectable class of attornies; one guinea is paid down when they are first instructed, and a guinea when the case is coming into Court. Something of that sort is the scale, and they pay nothing for valuers. The Court is carried to their own doors according to the poor law unions; they have no expenses; they have no witnesses; and they are not even obliged to furnish a list of their claims which might put them to the expense, perhaps, of employing a surveyor, or some one else, to make an estimate for them; the landlord is obliged to pay, of course, very much higher, and is obliged to pay valuators; and, as a matter of fact, he very frequently employs counsel, which the tenant very rarely does.

2846. What sort of an expense do you consider it is to the landlord?

From about 10 *l.* to 15 *l.* a case.

2847. And in cases of adjournment, I suppose, it would be more?

In those cases it would be still more, and that is a very great hardship for an unfortunate landlord who has not had his rents paid, and has not got any ready money. If he has a hundred, or a hundred and fifty cases to contest, at

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an expense, in each case, of 5 *l.*, 10 *l.*, or 15 *l.* of hard money that he must find, he cannot do it, and he is at the mercy of his tenants.

2848. Those are the smaller landlords, I suppose?
The smaller landlords or the embarrassed landlords.

2849. You consider that to the smaller landlords it would be ruin, do you?
It will be very little short of it; they will be obliged to give way to the terms of the tenants. More than one have spoken to me about it, and said, "What can we do? it is better for us to submit to a heavy reduction now, than to go to this expense and have this quarrelling with the tenants; perhaps if we make an arrangement with them now, we may then get some money, which we cannot do at present."

2850. Earl *Stanhope.*] Therefore settlements out of Court would be rather a compulsory expedient?
In the case of most of the landlords who are doing it, it is compulsory; that is my experience.

2851. *Chairman.*] In the case of a landlord who is tenant for life, does that expenditure of which you speak fall upon his life interest?
I presume it must; there would be no means of charging it upon the succession.

2852. The result may be that he would have to pay all the expense one year and not live to enjoy the rent?
I do not see how he could transfer it to his successor.

2853. Lord *Tyrone.*] As regards the valuation, do you think that a good way of arriving at a fair rent of a farm is to calculate the produce, and then to put a certain portion by for the rent, and a certain portion for the labour, and a certain portion for the tenant?
I suppose if you go critically into a valuation, that is the way it must be arrived at. You would not go into it exactly in that way in all cases; in grazing farms you must take it by the quantity of stock, and the profit made out of the stock.

2854. In your experience, do you think the Sub-Commissioners take that mode of valuing into consideration?
I think they do. The fault I find is with the scale the Commissioners adopt; that is what I complain of.

2855. Since the passing of the Act have you noticed any change in the condition of the County Clare that you reside in?
We have been much worse off in Clare since the passing of the Act.

2856. In what way?
In the way of more difficulty in collecting rents; there has been much more difficulty in Clare. It is very curious that opposition to the payment of rents extends over a certain area for a time, and then it seems as though it passed away from one district to another district. I could get nothing at all in Limerick about this time last year, and till last September; they would not pay me anything. I left them alone, and as soon as the Act passed I began to move, and I have received the rents much better in Limerick; and in Clare they were paying me all last year, until the Act did pass, and until about the last fortnight or three weeks I could get nothing from them, or comparatively nothing.

2857. Have you had to take proceedings against the tenants?
Yes.

2858. Up to the passing of the Acts did you take any proceedings?
Except an occasiodal ejectment for non-payment of rent, which led to a settlement in some way or other, I did not; I never proceeded for rent as a debt until within the last few months.

2859. What effect have these reductions had upon the people in the country as regards paying their other debts?
As far as I can ascertain from the shopkeepers and from many of the bankers,

I do not know that they have been applying the money they have kept from the landlords to paying their other debts.

2860. Viscount *Hutchinson.*] What have they done with it?

They have kept the money, generally speaking. If the sheriff comes to the house there is money in the house generally.

2861. *Chairman.*] Where do they put the money?

They perhaps keep it in notes, or in various ways and places; or they will put it into a bank and take a deposit receipt.

2862. Marquess of *Salisbury.*] They have not spent it in drink, or anything of that kind, you think?

I cannot say that they have. Some of the poorer men have spent the monies and some have paid their debts, but I do not say that it has been generally so applied. Out in the west of Clare, I think some of the tenants have got more stock than they had before. I think, when they were not going to pay their rents, some of them did not sell their stock.

2863. *Chairman.*] But if they had stock on the farms, that would be available, would it not?

Yes.

2864. And if they had the money on deposit receipts, that would also be available, would it not?

It would be available when seized, or when they were inclined to pay. Many of the tenants have come to me and told me where the money was, and said, "You need not be afraid, here it is; it is all safe for you;" they have even shown me the deposit receipt, and said, "It is safe for you when the time comes."

2865. Have you made any seizures of stock?

A good many.

2866. With success?

Not in all cases, but very nearly, but then I selected my cases very carefully.

2867. Have the landlords adjoining you seized stock?

Some of them have. We have all proceeded in different ways. Some have seized stock, some have served writs, and some have tried ejectments.

2868. Has it not been the case in some instances when seizure has been attempted to be made of the stock, that it has been driven away and could not be found?

There have been a great many cases of that kind, and we have to look out for that. In my cases the sheriff went out during the night, and as soon as day broke he seized the stock in the yard while the cattle were in the houses and before they were up. Of course, if once it had once got out that he and his men were there, the cattle would have been off the lands.

2869. Marquess of *Salisbury.*] Has the sheriff habitually to pass his nights in going to farms?

He has in Clare. That is the way he has been spending his winter. He has often been out two or three nights a week.

2870. Lord *Tyrone.*] With regard to labourers' cottages, have any orders been given to give cottages to labourers on farms in Clare?

I think in some of the cases they have, and in two of those cases of Lord Leconfield's that were tried, they decided that labourers' cottages should be built.

2871. What was the result of that order?

I do not know what the result will be; that order was only given the other day, and I do not know how it is be enforced.

2872. Is there any arrangement under the Act as to how that order can be enforced?

I have looked into the Act, very closely and do not see who is to put it in motion,

motion, unless the Commissioners who have a record of it, send somebody down to look after it; the tenant would not be anxious to do it.

2873. *Chairman.*] You mean to see that the order is executed?
Or the way in which it is done. Of course if they borrow money from the Board of Works, the Board of Works will see that a proper house is built.

2874. Viscount *Hutchinson.*] Is there any means of compelling the tenant to carry out the order of the Sub-Commissioners in the matter?
I am not aware of any; I suppose it would be done by an injunction.

2875. Who is to apply for the injunction?
That I do not know.

2876. Is the labourer to do it?
I do not see how the labourer is to do it; it is not intended for individual labour but for labour in the district, and when some tenant has objected to putting up the labourers' cottages, the Commissioners have said it is not necessary for a labourer for your farm, but there ought to be labourers' cottages, and your farm is a suitable one to have a house upon.

2877. *Chairman.*] If the labourer made any objection there is nothing to prevent him from being dismissed, is there?
Certainly not; nor to render it necessary that the farmer should give him any employment. They simply define that there is to be a house of certain dimensions, and that certain rent is to be charged for it.

2878. Lord *Tyrone.*] Did any of the Sub-Commissioners make that statement that you have just alluded to, that it should be for the labour of the country, and not that of the particular farm?
I have read that in the paper.

2879. It did not happen on Lord Leconfield's estate, did it?
No, I could not say that it did. I think something of the sort happened in a famous case on the Gascoigne Estate, near Killmallock. Mr. Clery objected altogether, and said he did not want them, and the Commissioners, as well as my recollection serves me, said the labourers were wanted in the country, and that as he had a large farm he ought to have some labourers' cottages on it.

2880. Lord *Brabourne.*] I suppose no particular labourer, or particular body of labourers, could apply, because they could not say that they were particularly aggrieved?
No.

2881. It could only be done in the interest of the whole class?
I presume the only persons to move in it would be the Commissioners themselves. The only way to do it that I can see would be through the board of guardians, and I think that it should be put upon them to see the order carried out.

2882. Duke of *Somerset.*] Do you consider the accommodation for labourers on Lord Leconfield's estate to be sufficient generally?
I may say there is very little requirement for labourers; their own families are able to do the work. I do not consider that on Lord Leconfield's estate there is need for more labourers' cottages than exist at present. An individual place may be in want, or one or two places, but I have never found any such want.

2883. Having had the management of the estate for some time, and looking to the size of the holdings, do you think it would be for the benefit of the country to increase the size of the holdings?
In some cases it is. There are some holdings in the west of Clare that are very small; but the farms were, as far as could be, consolidated about 1852. There is no very crying grievance of that sort on Lord Leconfield's estate. I should like to consolidate a little more, but still it is nothing very serious.

2884. Viscount *Hutchinson.*] Before leaving the question of labourers, I suppose

suppose we may take it from you, as a broad statement, that the employers of labour in the south and west of Ireland are not the farmers?

They do not employ any labourers.

2885. Is it not the fact that the labourers generally employed by the landlords, as in Lord Leconfield's case, are usually provided with cottages by them?

Exactly; that is my experience. If it is a grazing farm, or principally a grazing farm, there is no labour wanted but that of the families; the children can look after the heifers.

2886. Lord *Brabourne.*] What is the average size of the arable holdings?

That would be principally in Limerick. I should think about 50 to 60 acres.

2887. Is a man able to perform the labour upon that with his own family?

There would be a great deal of it in grass.

2888. Viscount *Hutchinson.*] Does that system of employing labour exist in Clare, which I know personally exists in parts of the south of Ireland, that the labourer lives in the house and does not get anything very much in the way of wages, and is treated more or less like one of the family?

They have all got what they call their servant boys and servant girls. The work is done in that way, and the labourer sleeps in a loft, or anywhere outside. They keep one or two servant boys, but they hardly consider them labourers.

2889. But I suppose they do assist in the working of the farm?

They do, if the farmers have not grown-up sons and daughters in the house.

2890. Lord *Tyrone.*] They are labourers, are they not?

They are.

2891. Is not the difference between them that the one class is married, and the other is not?

The unmarried ones do not want houses.

2892. But on Lord Leconfield's estate they have these servant boys and servant girls to assist in the farms?

They all have, I believe.

2893. But they have not married labourers in the house, have they?

Not on medium sized farms.

2894. Viscount *Hutchinson.*] With regard to cottages, I think you said that if the tenant were about to build a labourer's cottage, and applied to the Board of Works for the money, the Board of Works would see that a proper cottage was built?

I presume they would, because they would require to see that their money had been properly expended.

2895. But the Board of Works will not advance less than 100 *l.*, will they?

I believe not less than 100 *l.* to any one applicant, but it need not necessarily go upon one house.

2896. Will they sanction the building of a cottage that would cost less than 100 *l.*, according to their plans and estimates?

I think they will hardly get one single cottage built for less than 100 *l.*, according to their plans and estimates.

2897. The tenant will be very glad to build it as cheaply as possible, would he not?

The tenant would not like to spend more than 30 *l.* or 40 *l.* upon a house; 40 *l.*, they consider, will build a house good enough for any labourer; and the Board of Works, unless they change their system altogether, would not sanction a house of that class.

2898. If there was a possibility of enforcing this order, or if it ever came to be enforced, it would be quite in their power, under the Act, to put up one of those wretched cabins you see all over Ireland, would it not?

I saw houses built in 24 hours by the Land League, and they will be considered good enough for any labourer.

2899. Lord *Tyrone.*] Is there anything provided under the Act to enforce the house being a good one?
Nothing whatever.

2900. The rent is fixed, and the amount of land is fixed, but is there anything about the house fixed?
The dimensions of the house are generally fixed. It must be so many feet in length, and so many feet in breadth, and must be slated.

2901. Is it to be slated?
Yes.

2902. Viscount *Hutchinson.*] Is that done by the Sub-Commissioners?
I have read that in the newspapers.

2903. Marquess of *Salisbury.*] What would happen if it were not slated?
If the Commissioners desired it to be slated and it was not done, and their attention was called to it, I do not know how they would proceed.

2904. Lord *Tyrone.*] In your opinion, there is nothing to prevent mud walls being built by the orders of the Sub-Commissioners?
I do not see that there is any power to make a man build a house at all; and if there is no power to make him build, I do not see what is to prevent him building it with mud as well as stone.

2905. Marquess of *Salisbury.*] I suppose the Commissioners might send him to prison for contempt?
I suppose they might, but that is all they could do.

2906. Lord *Tyrone.*] Then according to your evidence the clauses about labourers' cottages are at present a dead letter?
I do not see how they are to be enforced, and if they cannot be enforced, as the tenants do not wish for it, they must be a dead letter.

2907. Viscount *Hutchinson.*] I suppose your holdings are too large for you to have had any experience of the working of the arrears clause?
I have had none at all. One gentleman wrote to me who was wanting to make such an arrangement in the west of Clare; I only heard of one who was thinking of it, and I do not believe he carried it out.

2908. We have it in evidence that a certain number of applications were made; have none come under your own notice?
None at all, nor have I heard of anyone, except the one person I refer to, who ever had it in his mind.

2909. Lord *Tyrone.*] What is your view as to the purchase clauses of the Act; do you think that they are workable as they exist at present?
I do not see how they can work as they stand at present. There seems to be not the slighest disposition to act upon them. I have not heard of a single tenant who has contemplated a purchase under them except one, who is a large landed proprietor himself, and one of the principal men in Limerick, who holds a farm inside his own demesne from Lord Leconfield; he applied to purchase, but he is the only person I have heard of wishing even to do it.

2910. What is the reason that the tenants do not avail themselves of those clauses?
In the first place, I do not think they ever were anxious to do anything of the sort; I think they would sooner have their present landlords than the Government as their landlords; and secondly, I think they are waiting until they can crush down the rents, because the lower they reduce the rents the more favourable the terms of purchase will be.

2911. Do you think, even after the judicial rents are fixed, that the tenants are likely to purchase, unless they get some further advantages than those offered by the Act?
Unless they can purchase on more favourable terms, such as terminable annuities, at less than their existing rents, I do not think they will have any

anxiety to purchase. I do not think they look forward 35 years to getting their lands into their own hands, and they know perfectly well that the Government instalments must be paid punctually, and that if they lose stock or have a bad time, they have only got to go and ask for a month or two, and that that will be considered by their landlords, and that they will perhaps get an allowance if they have met with a serious loss, whereas they know perfectly well that they will not have that consideration from the Board of Works. Unless the terminable annuity is less than the existing rent, I do not think there will be any great disposition on the part of the tenants to purchase.

2912. *Chairman.*] Do you mean although the existing rent be a judicial rent, reduced from what it was before?

I think they will sooner stick to the landlord. I think they will like to try the landlord first, to see whether they can get on with him before they let the Government be their landlord. That is my expectation, but there is no talk about it at all amongst the tenants.

2913. Is there any general buying and selling of land in the market in your neighbourhood now?

No; the land is absolutely unsaleable.

2914. Is there any buying and selling of the tenants' interest?

Yes, they are beginning to move in that way very much, I have had two or three cases of it myself; I have one case this very morning, and at a very high rate.

2915. Marquess of *Salisbury.*] Is it done with your consent?

We shall give consent in all these cases, and we must give consent, because we can make no valid objection to the purchaser.

2916. *Chairman.*] Did the instance you speak of occur on Lord Leconfield's property?

I am speaking of Lord Leconfield's property.

2917. Marquess of *Salisbury.*] But is not his an English managed estate, and that, therefore, you are not bound to give consent?

I think your Lordship will find it is not an English managed estate, but an English managed holding that that applies to.

2918. And the holdings are not English managed?

No, these are not.

2919. Viscount *Hutchinson.*] It is still *sub judice* as to what an English managed estate actually is, is it not?

That is so at present.

2920. Lord *Tyrone.*] From a previous answer of yours, I understood that tenant-right always existed upon Lord Leconfield's estate, or some portion of it; is that so?

No, not at all. There were a certain number of cases where, with permission, the tenant being approved of, they allowed the sale; but since I became agent there has not been a single case of selling an interest.

2921. I refer to that case you mentioned of the tenant who purchased from another tenant, and then had a house erected on his property?

Yes, that was done before I became agent. There were a certain number of cases where the tenants either sold without the agent's knowledge, and they were afterwards recognised, or where they came and got leave, the purchaser being approved by the landlord, but for the last eight years there has not been a single case allowed. Lord Leconfield, sooner than allow that system, which we looked upon as most injurious, compensated them himself at very great expense.

2922. *Chairman.*] You were going to give some instance of what was paid for the tenants' interest?

Here is one case that has been carried out, and I will show your Lordship the papers. The rent was 29 *l.* 16 *s.* 3 *d.*; the valuation 23 *l.* 10 *s.*; I mention the valuation there to show that the rent is not extraordinary. There were 2½ years arrears

arrears of rent due, amounting to 74 *l.* 10 *s.* 7½ *d.*; and the purchase-money was 530 *l*; and out of that I was paid the 74 *l.* 10 *s.* 7½ *d.*

2923. When did this sale take place?
About three months ago.

2924. Were the arrears paid out of the purchase-money?
They were paid out of the purchase-money by the purchaser to me.

2925. Lord *Carysfort.*] Was there a lease on that estate?
There were no leases on Lord Leconfield's estate.

2926. *Chairman.*] How many years' purchase does that amount represent?
About 17 years' purchase.

2927. Lord *Brabourne.*] Was that price obtained by competition?
Yes, there were other people very anxious to get it.

2928. *Chairman.*] Was that a holding on which there had been tenant right recognised before?
No, it was not; it was by the sea-shore, and it was a very favourable farm because there was a means of getting seaweed. But I have three other cases; I have one that is now pending; the rent is 12 *l.* 4 *s.* 4 *d.*; the valuation 9 *l.* 15 *s.*, and 90 *l.* is the purchase-money for that; there was 2½ years' rent due upon that also. The purchaser was in my office on Saturday with the money to pay me for it.

2929. Was the purchaser an adjacent tenant or a stranger?
He was not on the estate; he was in business in a village near. That is a wretched holding with the most miserable and dilapidated buildings upon it, and in addition to that 90 *l.* he is to pay me the 2½ years' rent. There was also a tenant of our own, a well-to-do man, who was very anxious to get it; he wanted me to exercise the right of pre-emption in order that he might get it; he was willling to give 100 *l.* for it, but he would not give the arrears of rent besides.

2930. Viscount *Hutchinson.*] The purchaser is a man in business in the town, I understand you to say?
At Six Mile Bridge.

2931. How do you mean engaged in business?
He is a miller.

2932. Lord *Brabourne.*] Is that sale effected by private agreement, or is it put up by auction?
These were all by private agreement. Then there is another man whom I heard from this morning. He was in my office on Saturday. His rent was only 4 *l.* 10 *s.*; his valuation 6 *l.* 15 *s.*, so that his is a very cheap holding indeed, and he is to get 100 *l.* for it.

2933. Viscount *Hutchinson.*] That represents 20 years' purchase, does it not?
That is just the money; it is about 20 years' purchase. There is another little man upon the mountain near the sea. The rent is 2 *l.* 17 *s.* 6 *d.*, the valuation 2 *l.* 12 *s.*, and the money he is looking for is 70 *l.*, and I believe a tenant of our own in another town-land was willing to give it to him; but he got notice that he had better leave it alone to his neighbours, and therefore that is not carried out; but 70 *l.* is the sum that this little man is asking for his interest.

2934. *Chairman.*] Are these cases the first sales of tenants' interests?
Yes, these are the only cases on that estate that have come under my notice.

2935. Viscount *Hutchinson.*] These are cases where the sales have been effected at the existing rent?
At the existing rent.

2936. I mean there has been no judicial rent fixed, has there?
No, and no application for it.

2937. Lord *Tyrone.*] As regards your former answers about the purchase clauses,

clauses, I understand you to say that the tenant is in such a good position now, that he is not likely to alter it by purchasing?

I do not think that at present the tenants have any ambition to be owners of their holdings.

2938. And unless they have to pay less money to the Government than they pay in rent, you do not think they will purchase?

I do not think they will be anxious to become purchasers.

2939. Is the fact of having to pay any money down against the probabilities of purchase?

It is of course, very seriously so.

2940. And in order to render any scheme of purchase successful, I suppose you would suggest that no money should be paid down by the tenant?

I think, if carried out at all, that is the way in which it must be done; it is a very dangerous principle to admit, but still if the system is to be carried out, I do not see how it is to be done unless the Government are prepared to advance the whole of the money, and extend the time during which it may be repaid.

2941. That is the only way in which it is possible to do it, you think?

Yes.

2942. Have you any other suggestion that you can make by which these purchase clauses could be made workable?

The only way in which it could be done at all, I think, is that where the landlords are anxious to dispose of their property, the Government should take it off their hands, and deal with the tenants. I do not see how the landlords could deal with the tenants individually; they could not let the good men go, and keep the bad ones.

2943. Viscount *Hutchinson.*] That question of residue is very important, is it not?

Of course it would make an estate more difficult of management for the part than the whole; you would have all the bad parts left on your hands.

2944. You do not seem to believe very strongly in the desire of the Clare tenant at all events to become the owner of his farm?

Not in any part of Ireland that I am acquainted with; I have not found the slightest inclination to do it.

2945. You do not think that what has been called the magic of property has any very great weight with them?

They may find it out in time, but it has not developed itself yet.

2946. Suppose it was possible for the tenant to purchase or rather to enter into possession of his holding by the payment of a terminable annuity at less than the rent at this moment, do you think he would be ever satisfied with that?

I do not think he would, but that is a political question.

2947. I do not mean from a political point of view at all, but from an economic view. Do you not think the tenant is perfectly alive to the fact that he is the only possible purchaser of land in Ireland?

Of course he is.

2948. And there is no reason why he should pay a smaller annuity for 52 years upon the basis of a price which there is no competition to fix, is there?

Precisely.

2949. Lord *Tyrone.*] Do the tenants that you have come across in Clare look upon this Act as a settlement of the question?

I am sure that they do not; I think they look upon it as an instalment.

2950. And only as an instalment?

Only as an instalment.

2951. Marquess of *Salisbury.*] Do you think that the tenant looks forward to get more out of the owner by legislation than has hitherto been obtained?

I am sure he does.

2952. Therefore, naturally, he does not wish to become the owner himself? It will operate in that way.

2953. Earl *Stanhope.*] Have you any suggestion to offer to the Committee as how to make the purchase clauses more effective?

I think that there should be greater facilities given to landowners who are anxious to dispose of their property, and who no longer wish to keep the responsibility of property, to get rid of it. There are no purchasers now except the tenants or the Government. I may say that the tenants, in the first place, are not at present anxious to buy, and secondly, according to the Act, the idea seems to be that the landlord should leave out a quarter of the purchase-money (25 per cent.) by way of mortgage. Now, if you come to think of that for a moment, it would not work, for this simple reason, when you come to the small tenants you would have to take a separate mortgage from each for 5 *l.*, 10 *l.*, 15 *l.* or 20 *l.*, and if you had several hundred tenants you would have several of those. The only way of recovering your money would be by foreclosing the mortgage, and the tenant would very soon say you have 75 per cent., or 15 *s.* in the pound, and you are very well paid.

2954. Do you think that the time for the repayment of the loan, which is now 35 years, ought to be extended?

That is a financial question that I hardly understand; I do not think the purchase clauses will work without something of that kind being done, but it is a dangerous thing to do.

2955. Lord *Brabourne.*] Do you expect to recover the arrears due on Lord Leconfield's estate from the tenants?

I do from the large majority of them.

2956. Do you think that that will be the case throughout Ireland?

I do not, but I think on Lord Leconfield's estate it will; there may be delay about it, but I think there will not be any very large amount permanently lost. In the first place, I think a great many of those men who are in arrear; will pay up when this agitation passes away; the others will be broken and by the sales of their interests the moneys will come in just as in the cases I have mentioned before.

2957. We were told by a witness of some authority that he thought the only way of settling this question of arrears would be, that the Government should give a free grant of a certain portion of the arrears to the landlord, and that the rest should be swept away and given to the tenants; is that your opinion?

I have not got to do with those cases, but I am afraid anything of that sort would be a direct inducement to tenants to fall into arrear in the future.

2958. *Chairman.*] Do you happen to know as a matter of fact, in cases where a judicial rent has been fixed, whether any question about the arrears has been left open?

I am not aware of any such cases.

2959. You do not know how that is; in cases on your own estate has there been any question pending about arrears where the judicial rent has been fixed?

None at all.

2960. Lord *Brabourne.*] Do you think it would be possible to capitalise arrears, and to charge interest upon that capital under the sanction of the Commissioners, which might in the first instance pay the landlord?

I suppose some scheme of that sort might be adopted, but then you are adding to what is considered a fair rent.

2961. It would in the first instance, would it not, be a compromise or arrangement between the landlord and the tenant, but if they could arrive at such an arrangement, do you see any objection to having that as a separate rent, based upon the principle of loans in this country, paying off principal and interest by annual payment?

I think some scheme of that sort might be worked out.

2962. Would it not be better to have some such scheme as that than to bring the landlords and tenants into collision on the subject of arrears, if it could be thereby avoided. Perhaps you have not given your attention to that point?

I have not given my attention to that point.

2963. Viscount *Hutchinson.*] Are all these tenants of yours where judicial rents have been fixed free from arrears?

They only owe a half year. They would owe the March 1881 rent. They have dropped back half a year. They were solvent men; in fact, I do not think the insolvent men are inclined to go to the Court.

2964. Lord *Brabourne.*] Suppose a man owed 100 *l.* to his landlord, and he agreed to capitalise that at a smaller sum, and that the amount, including principal and interest, should be annually paid as an additional rent; that would not be a very bad arrangement for the tenant, would it?

In such cases I do not think the tenant ever intended to pay the arrears.

2965. Marquess of *Salisbury.*] Do you think the Irish tenantry generally contemplate paying the arrears?

Where there are large arrears, I am sure they never do; but where they are simply the arrears that have fallen back in the last year or two, I think they all expect to have to pay them up.

2966. Lord *Kenry.*] Do you think they can; pay them in a great many of the cases?

In a great many of the cases they can; in some of course they cannot.

2967. Lord *Brabourne.*] You do not agree with the evidence given us, that the two years before 1880 and 1881 were so disastrous for the farmers, that their losses cannot have been at all recovered by the two last years, which have been better?

I think their losses were very great in those years, but the landlords, as a rule, gave them abatements, and gave them considerations. Perhaps half a year may have fallen back; but I thought your Lordship was speaking about large and long-standing arrears.

2968. I was not on the question of arrears, but asking the question generally?

1878 and 1879 were bad years, worse years, I think, than 1880 and 1881.

2969. But the last two years, 1880 and 1881, were good years, were they not?

My experience is that they were good years.

2970. Marquess of *Salisbury.*] What sort of expense have the cases that you have been into Court with, come to?

I have not paid the costs yet, but I should think they could not have been less than 12 *l.* to 15 *l.* a piece.

2971. They are all under appeal, are they?

They are all under appeal.

2972. You have not yet had any appeals heard?

No, the cases were only heard the other day.

2973. Lord *Tyrone.*] Is not the adjournment of cases a great element in the expense?

Of course it is.

2974. And has that taken place in any of your cases?

It did not take place to any extent in the Limerick cases, but I have had five cases in the county of Meath; they were adjourned at, of course, very considerable expense. Fortunately, my valuer did not come down. I was to telegraph for him when he was wanted, but counsel was feed in 10 cases, and of course that will be an expense.

2975. Have you heard of other landlords who have been put to great expense by having their cases listed for trial and not heard?
I know they have. I could not say that I have heard complaints; besides which I think up to the present we have all been glad to have adjournments to gain time and to see how things worked.

2976. Viscount *Hutchinson.*] Have you ever moved for an adjournment yourself?
I have moved for an adjournment, in consequence of being here to-day. I did in one case, because it was inconvenient, ask to have it adjourned from Croome to Limerick.

2977. And did you suffer in cost in consequence?
No, the tenants agreed; it was convenient to the tenants as well as to us.

2978. Marquess of *Salisbury.*] Did the Commissioners go over the forms in the cases in which you were concerned?
They did.

2979. Did they go over them in company with you?
Yes, I went with them.

2980. And did the tenants go also?
Yes; and more than that, the tenants had a representative there. One of their valuers went round with us.

2981. Viscount *Hutchinson.*] Did your valuer go with you?
No, I went myself.

2982. Marquess of *Salisbury.*] I suppose the cases were partially heard while you were walking along?
No, the Sub-Commissioners very properly would not hear the cases at all. They referred to their notes, and said they would not hear anything beyond the evidence given the day before.

2983. They would not allow any fresh evidence to be given on the spot?
No, they stopped it at once.

2984. I suppose they asked questions with respect to what they saw?
They asked to see the improvements, and valued the land.

2985. Did they not ask anything about the history of this-and-that drain, and this-and-that hedge, and so on?
Yes, if it was already in evidence.

2986. Do you mean that they went into no new matter?
The parties were stopped in several cases where it was said that the matter spoken of was not in evidence, when I was out with them on that occasion.

2987. Duke of *Somerset.*] Is there any point on which you think it important to make any statement to the Committee as to which no question has been asked you?
The only point is with reference to the purchase by the Government of the landlord's interest; the difficulty I have always felt has been, how to ascertain the value of such interest, because if the purchase clauses are to work, it can only be done to any extent by the Government purchasing, and then selling to the tenants. A certain number of years' purchase would be unfair at the present rent, and the judicial rent would be still worse. I do not know whether any scheme could be worked out by means of which it could be ascertained what the selling value of property had been for a certain number of years' prior to the existing agitation based on Griffith's valuation, not absolutely, but with reference to certain areas and certain classes of land, and then to fix a certain number of years' purchase at which the landlord should have the option, if he liked, of saying to the Government, "You must take it off my hands." I think, if possible, there should be some scheme worked out that would fix a selling price at which the Government should be obliged to take the property off the landlord's hands, if he found his position intolerable; the difficulty is, to know how to arrive at that.

2988. Do you mean the price at which the landlord might, as it were, force the Commission to buy?

Precisely; the landlord's property is now unsaleable, and I do not see how he is to deal with the tenants; I think the dealing with the tenants must be by the Commission.

2989. Earl of *Pembroke and Montgomery.*] That price, I understand, would have to be so low that the tenant would be willing to buy at it?

I would not make it compulsory on the landlord to sell, it should be optional.

2990. Lord *Tyrone.*] Have you heard that the Sub-Commissioners are to be removed from the districts in which they have been working?

They told me so themselves: Mr. Reeves, Mr. Rice, and Mr. O'Keefe, all told me that their Commission was likely to be removed, and that Mr. Rice and Mr. O'Keefe were not likely to come round our district again. I also heard that in Mr. Hodder's Commission there was to be a change, but whether the Sub-Commissioners are all to be removed or not, I am not prepared to say.

2991. Do you think it would be a great advantage to retain the Sub-Commissioners who have learned the class of land, and the class of people, in the districts in which they have been engaged?

In some cases it would, and in some cases it would not; it depends upon circumstances.

2992. But theoretically, do you think so?

Theoretically it would; but I think it is very undesirable to have Sub-Commissioners valuing in their own counties; I am not speaking personally when I say that.

2993. Marquess of *Salisbury.*] Are there several cases of that kind?

Yes; for instance, the two gentlemen who came round Clare, Mr. Rice and Mr. O'Keefe, do not belong to Clare, but they belong to Cork, and they were valuing in Cork.

2994. Were they deciding cases in Cork?

Yes; Cork was in their district.

2995. What is their position in Cork?

Mr. Rice was a large farmer, and Mr. O'Keefe holds land; he was also professor of chemistry in the Queen's College.

2996. Then if Mr. O'Keefe wanted his rent lowered, he would have to go into his own Court?

He is a leaseholder; that state of things does not apply to Clare or Limerick; Mr. O'Keefe was not in that neighbourhood, but his own Court was within his district.

2997. Then he would have to adjudicate on many of the cases of the farmers who are his neighbours?

He did do so, I think.

2998. That might be a very good thing for them, might it not?

It may or may not be.

2999. Viscount *Hutchinson.*] You have some knowledge of County Cork yourself, have you not?

Yes.

3000. You managed a property there once, I believe?

I managed Lord Midleton's property for many years.

The Witness is directed to withdraw.

MR. JOHN YOUNG, is called in; and Examined, as follows:

3001. *Chairman.*] You are an owner of property in the County of Antrim, near Ballymena, I believe?
I am.

3002. You live at Galgorno, and you are a Justice of the Peace and Deputy Lieutenant for Antrim?
I am.

3003. Have you observed the working in your county of the Land Act of last year?
Yes; we have had several circuits of the Sub-Commissioners in our county.

3004. Have they sat at Ballymena?
They have sat at Ballymena twice.

3005. On your own property have you had any cases?
I have had no cases on my own property; but on several of the properties immediately adjoining mine there have been cases.

3006. So far as you have observed, can you tell the Committee what the effect of the Act has been as regards the sole value of property in the market?
Since the Act was passed, I do not know of any actual sale having taken place; but from the conversation that one hears almost everywhere, my opinion is, that the value of land has materially depreciated; in fact, that the market value is taken from it. There is no purchaser left but the tenant.

3007. Speaking of the present moment, I suppose you agree with what some other witnesses have said, that there is no market for selling the ownership of land now?
I think it would be exceedingly difficult to find a purchaser at all?

3008. Have you observed how far the interest of tenants is saleable in your neighbourhood?
Tenant right commands as high a value as it ever did, I think; I have known an instance of a small farm on my own property which was sold the other day for 130 *l.*; the rent was 8 *l.* 10 *s.*, and the land had miserable housing upon it.

3009. Were there any arrears of rent upon the holding?
There were two years' arrears, but the farm was not sold in consequence of arrears; there was no pressure for the rent; it was sold merely in consequence of the tenant wishing to change his abode.

3010. And the arrears were paid out of the purchase-money, I suppose?
The arrears were paid out of the purchase-money.

3011. Have there been any instances in your neighbourhood of the tenants buying their holdings under the Land Act?
None; in fact, I think the tenants are unlikely to purchase under the existing arrangements, in consequence of the disappointment that they feel from the Purchase Clauses giving them no immediate relief.

3012. You mean according to the arrangement in the Purchase Clauses their annual payment would not be lowered?
Their annual payment would be increased; I calculate that for a farm, say of 50 *l.* a year present annual rent, or judicial rent, the tenant would have to pay 52 *l.* or 53 *l.* under the Government arrangement for the 35 years, so as to pay off the purchase-money.

3013. What do you put the capital value at; how many years' purchase do you take for that?

The Government are supposed to lend money at $3\frac{1}{2}$ per cent, or rather, 5 per cent. for 35 years, $3\frac{1}{2}$ per cent. being the interest to tenants for the purchase of three-fourths of their holding, they themselves finding the other one-fourth. Any calculation that I have seen upon the subject makes out that the tenant, under this arrangement, would have to pay some 2 *l.* or 3 *l.* more than the 50 *l.* for the 35 years, as undoutedly he would have to pay a high interest for the one-fourth if borrowed. With regard to the number of years' purchase, this would depend on the nature of the estate in question, and ought to vary in proportion to the circumstances.

3014. Besides the taxation that would fall upon him as owner?
Besides the taxation that would fall upon him as owner.

3015. Which would be 2 *l.* or 3 *l.* more, would it not?
He would have to pay the whole of the poor rate, which in our country would amount to about 16 *d.* in the pound.

3016. Marquess of *Salisbury.*] Do you mean the whole or half the poor rate; as occupier he has to pay half, has he not?
Yes, 16 *d.* is the amount of the whole poor rate.

3017. So that he would have to pay 8 *d.* in the pound additional?
Yes.

3018. Duke of *Somerset.*] When he has bought the farm could he not look forward to managing it so as to make it more profitable?
From my experience in the county Antrim the security the tenant has always held under a tenant-right has been amply sufficient to induce the outlay of his own labour and capital.

3019. Has there been a large outlay under that security?
Of labour I think there has.

3020. Marquess of *Salisbury.*] But not of capital, you think?
The labour is the tenant's capital.

3021. But he has not borrowed capital for the purpose?
No, unless to buy the tenant-right, for which very often the money is borrowed.

3022. At what interest would the banks lend for that transaction which you have just spoken of?
I do not think the banks would lend to the farmers at all.

3023. Then that sum you have just spoken of, the 130 *l.*, would have to be found out of his own capital?
It would have to be found out of his own capital, or borrowed.

3024. There is no money lent now, is there?
Only by the usurer; no bank would ever have lent upon that security.

3025. At what rate do the usurers lend?
Five or six per cent.

3026. Do you call that usury?
When I speak of a usurer, I mean a country money lender.

3027. Lord *Tyrone.*] You say that there has always been this security under the tenant-right system; do you mean since the Act of 1870, or do you mean really always?
The Act of 1870 made no change at all with regard to tenant-right, except that it made it a legal claim in a court of law, but I do not know any estate on which it was not recognised.

3028. And was it an equal security in the mind of the tenant before the Act of 1870?
I think it was.

3029. *Chairman.*] The Act of 1870 made it, I suppose, an available security for persons who had it not before; for example, bankers and outside creditors.
Yes;

Yes; and promoted a great deal of borrowing of money which has been far from beneficial to the tenant.

3030. With regard to the purchase clauses under the present Act, have you considered any way in which, in your opinion, they might be made more workable than they are?

I think the lowering of the rate of interest, and the extension of the time of repayment, would make them much more workable; but my opinion is that they will never work freely as long as the tenant has to provide the one-fourth of the money.

3031. When you speak of the lowering of the rate of interest, I suppose you mean the lowering of the annual instalment?

The annual instalment.

3032. Including the interest and the sinking fund?

Including the interest and the sinking fund.

3033. And you think that as long as the tenant himself has to provide any part of the money down on the spot, that will be an obstacle in the way of the working of the clauses?

I think it will.

3034. Duke of *Somerset.*] If he does not mind paying money down for the tenant-right, why should he mind paying money down for the purchase?

He would have to pay both; he is out of pocket for the tenant-right already; he has spent all his money in buying the tenant-right, and cannot both buy it and the fee.

3035. *Chairman.*] He has probably borrowed the money to buy it, has he not?

He has probably borrowed the greater part of it, or the whole.

3036. Marquess of *Salisbury.*] If he had to pay 13 years' purchase for the tenant-right, and 20 years' purchase afterwards for the land, he would pay a good price for his land?

He would pay a good price for his land. When the interest for the tenant-right is added to his rent it brings up the annual payments tolerably high.

3037. *Chairman.*] Do you think if any arrangement was made by which the tenants would become the purchasers after a certain number of years, say 50 or 60 odd years, and by which their annual payments would not exceed their present rent, or be somewhat lower, that they would be anxious to be purchasers?

I think that they would be very anxious. I think in the North of Ireland it would be universal.

3038. You think purchase would be resorted to universally?

I do.

3039. Do you consider that ultimately there would be any loss to the State in a transaction of that kind?

In the counties of Antrim, Down, and Derry, with which I am familiar, I do not think there would. I think the tenants would honestly pay their instalments.

3040. I suppose it is the case that if the Government made an advance they would have not merely the security of the owners' interest but also the security of the tenants' interest?

If the Government made the advance and the landlord received the money, of course the Government would have the security of the fee.

3041. Including the interests of both parties?

Including the interests of both. Inasmuch as the tenant being the owner of the fee would pledge the fee as security for the loan made to himself for the purchase. The objection to it in my mind would be that the present gentry of the country would be severed from all conection whatever with it.

3042. Before we look at it from that point of view, I should like to ask you this: it has been suggested that in places (if there are any) where there would be some danger of the instalments not being punctually paid, the boards of guardians might be treated as guarantors of any deficiency and called upon to make it good, and armed in return with sharp powers for recovering the deficiency from the defaulter; what do you think would be the effect of an arrangement of that kind?

I do not know how it would work. The boards of guardians have had great difficulty in many places in recovering the loan that was made for seed two years ago, where they had very sharp powers for recovery. I am afraid it would have thrown them into great difficulty to be made the machinery for recovering the loans of the Government.

3043. Viscount *Hutchinson.*] Were the boards of guardians as a rule, very zealous in trying to recover the amount of those loans?

I do not know that they were, but I do not know that they would be more zealous in recovering these loans. I am afraid the feeling of the country guardians would be against giving assistance to the Government at all in the recovery of these loans.

3044. *Chairman.*] But it would not be assisting the Government in recovering the loans; it would be calling upon the boards of guardians to make good the deficiency and then arming them with powers to recover from the defaulter in turn what they had paid to the Government?

Then they would have all the honest payers in the union assisting them to put pressure upon the defaulter. I think that might probably work very well.

3045. That is considered to be the advantage in the eyes of some people, is it not?

Yes.

3046. It would enlist them on the side of punctual payment, would it not?

It is a new idea to me; I have never heard it suggested before.

3047. You spoke of the working of the purchase clauses; you say the only obstacles in the way is that it would have a tendency to dissever the owners of land from the country; has it occurred to you that there is any way of attaining the same without incurring that disadvantage?

I think if the landlords were not unwilling still to remain the rent collectors, that a system of perpetuity leases might be encouraged at a greatly reduced rent.

3048. Will you explain what the idea is that you have upon that subject?

In reply to this question, I hand in a Paper with my suggestions as to perpetuity leases at reduced rents (*see* Appendix).

3049. In the first place, that would require the settlement of a judicial rent over the whole of a property, would it not?

I think the tenants, with the prospects of such terms, would be very willing to settle with their landlords on the same scale as the judicial rents had been settled in the same county or the same neighbourhood. I think it might facilitate settlements out of court very much.

3050. Viscount *Hutchinson.*] What I understand you suggest is, that the landlord should be responsible to the Government for the period of 50, 60, or 70 years?

The landlord would borrow the money on the security of the fee simple.

3051. And he would be responsible to the Government for the payment of the rent-charge during the 70 years, or whatever period it extended over?

He would.

3052. In the meantime the tenant is to pay, for that number of years that the rent-charge last, only the judicial rent?

That is so.

3053. But supposing the tenant, some fine day, refused to pay the judicial rent?

Then the landlord would be in no worse position than he is now upon the refusal, because he has the interest on his loan.

3054. But he would have no further security for getting the judicial rent than he has for getting the rent now?

He would have no further security for getting the judicial rent; but it is to be hoped that the condition of non-payment, as at present existing, would not continue.

3055. *Chairman.*] Do you think an arrangement of that kind would be so attractive to the landlord, who would otherwise leave the country, that it would retain him there?

I think he would have to stay; he would be obliged to stay.

3056. Marquess of *Salisbury.*] Then he might not like that necessity?

He might not.

3057. And he might therefore decline the bargain, might he not?

The idea is that it would be difficult to persuade the Government to become the rent collectors of the whole country, which they would be obliged to do under an extensive system of purchase.

3058. But it might be equally difficult to induce the landlord to continue, might it not?

It might; in the north it would not, I think.

3059. In fact, the collection of rent is a function which nobody is ambitious to fulfil?

At the present moment that is so. I think that in the north it would work very satisfactorily, and be eagerly embraced by both landlord and tenant.

3060. *Chairman.*] You mean the system of perpetuity leases?

Yes.

3061. As compared with an arrangement which would facilitate purchase, do you think it would be more acceptable?

I think it would be more acceptable to the landlords there.

3062. In the north, you mean?

In the north.

3063. Marquess of *Salisbury.*] What is it that would induce the landlords to remain as rent collectors, and rent collectors only?

Well, they would still have any prospective value there was in the unoccupied parts of their estates which is set down in the Ordnance map as waste land, bogs and such like, which are turnable to some account at different times. I do not see what is to become of those in the case of a sale out-and-out of all the farms.

3064. Is that all the inducement that you have to offer to the landlord?

He would still have what many landlords think a very satisfactory possession in Ireland; he would be in receipt of head rents, or small rents, out of the property. There are many estates where the interest of the landlord is very small indeed in proportion to the annual value.

3065. You think that the pleasure of residing in the country would be sufficient to induce him to stay?

I think there are many of them with large demesnes and residential places who would find it very difficult to leave.

3066. *Chairman.*] You think they would be glad of an arrangement which would enable them to continue without breaking up their homes?

I think they would be glad of an arrangement which would enable them to continue without breaking up their connection and their homes. It would enable the owner of an estate, who was encumbered to perhaps the extent of a fourth or half his estate, to pay off his encumbrance; and certainly, in the

higher rate of interest at which he would lend the money out, or in the paying off his mortgages, he would recoup a considerable amount of the reduction taken off him by the Sub-Commissioners.

3067. Have you put down upon paper the scheme which you have indicated in general terms to the Committee?
I only heard last night that I would be required to appear before the Committee, but I have no difficulty in putting it down upon paper.

3068. You would have no difficulty in putting it down and handing it in?
I think not.

3069. Your idea is that a scheme such as you mention might be attractive to some persons to whom the scheme of purchase might not be attractive?
I think it would be attractive to many persons. I have mentioned the idea to several largish landed proprietors in the north of Ireland, and they seem to think it would be a very satisfactory arrangement for them.

3070. And if it were embraced by any substantial number, you think it would so far lighten the obligation which would otherwise lie upon the Government to be the rent collectors?
It would, and it would also lighten by one-fourth the amount of money to be provided, if the Government entertained the idea of providing all the purchase money.

3071. Lord *Tyrone.*] Has the uncertainty of the principles upon which the Sub-Commissioners have been acting been a cause of producing an unsettlement in the value of land?
Very great. No owner of property brought into Court, or served with an originating notice, has the least idea what principles will be applied in fixing his new rent, nor can he form any idea under the arrangements of the Commissioners as to whether his own rent is what they would consider fair or not; in fact, he is completely in the dark.

3072. Has there been in your district any settlements of the rent out of Court?
Very few.

3073. Is that caused by the uncertainty of the principles upon which the decisions of the Court have been arrived at?
I think it is in a great measure. The tenants have very extravagant notions as to the reductions they ought to get, and the landlords are very unwilling, on estates where they think their lands are fairly let, to make reductions until they are forced to do so.

3074. Then do you think if some principle was laid down upon which the Sub-Commissioners were likely to act for the future, that settlements might be come to out of Court?
I think they would be very numerous.

3075. And that it would be an advantage to both landlord and tenant in preventing expense?
Very great; the costs to the landlord of fighting the cases in the Court are very onerous.

3076. As regards the purchasers, do you consider that the fact of the rents being fixed for only 15 years is an element to prevent purchasing under this Act?
I think very few men would care to invest capital in a property the income of which is to be revised every 15 years; I think it is fatal to the value of property.

3077. I suppose you have a very good knowledge of what the value of land in Ireland was previous to the passing of the Act?
Only in my own county and the neighbouring counties.

3078. I mean in your own district?
Yes, very good.

3079. Can you have any idea at all now of what would be the fair value to place upon it?

About 10 miles from my property there was a small estate sold a year and a half ago for 29 years' purchase; that is six or eight months before the passing of the Act. I do not think the same estate would sell at all now.

3080. *Chairman.*] Was that estate, for which 29 years' purchase was paid, in the neighbourhood of a town?

It was 10 miles from Ballymena.

3081. Marquess of *Abercorn.*] Was it a rented estate, or an estate in the hands of the landlord?

Rented by tenants and rented at what was supposed to be a fair letting value.

3082. Lord *Tyrone.*] Are you aware whether the rents upon that estate were high or low?

A friend of mine who has a very good idea of the value of land, was himself thinking of purchasing it, and examined it with that view, and his idea was that it was very fairly let, and it sold at that rental at 29 years' purchase. I believe the purchaser has since his purchase, and since the passing of the Act, reduced the rent some 20 or 30 per cent. rather than litigate.

3083. And yet I understand you to say that even though the rent has been reduced since the time it was purchased, that estate is not saleable at present?

It would be scarcely fair for me to say so, because I am only stating my opinion. I have no means of judging except from what one hears in conversation. I do not think any man would invest money in land at present or until things are more settled.

3084. Did you anticipate that the Act would have any of the effects which you have described when it was being passed?

My own idea of the effect of the Act was that the larger estates would be taken as the standard, and that smaller men, who always charge a greater rent than the owners of large estates, would be reduced to that standard, and when once the rents were fixed by judicial proceeding, the number of years' purchase at which it would sell would increase.

3085. The number of years' purchase at which it would sell by the landlord, you mean?

The number of years' purchase at which it would sell by the landlord. I thought the landlord's interest, when his rent had been revised by the Court, would command a higher market value than it did before. Instead of that it has become, in my opinion, totally unmarketable or unsaleable.

3086. You have no other suggestion to make, as I understand, except the one you made to the noble and learned Lord, as to permanent leases?

I think the purchase clauses ought to be made such as would enable the tenant to purchase his land from the landlord without an increase of rent. I think the Government, if they attempted it at all, should put the tenant in a position to buy without any present loss; that the time of repayment should be extended and the interest demanded lowered. That could be done without any loss to the Exchequer, if the tenants paid their instalments.

3087. Then I suppose, as you expected what you have stated as likely to be the outcome of the Act, you were not opposed to the passing of the Act at the time as many landlords were?

I thought it was a very arbitrary interference with the rights of property, that any Court should fix the rent, but I did not contemplate that the fixing of the rents by the Courts would work the evil that it has done.

3088. Did you anticipate that the rents would be decided by the present class of Sub-Commissioners?

No; we have all been greatly disappointed at the class of men appointed. The expectation was that if Sub-Commissioners were appointed at all, the chairman of each sub-commission would be a lawyer of repute, such as could have

aspired to a county judgeship. Many of them have been practising attorneys, very respectable perhaps in their own profession, but they are not a class of men that one expects to see presiding in a court of law.

3089. Is their experience of the value of land at all what it should be as regards men who have to fix the value for 15 years?

I do not think it could be, and they are fixing the rents now in a time of temporary depression, having no regard whatever to the past, but every regard to what they think to be the certain depression of the future. I think it is a very great hardship to the landlords that at the very bottom of the value the rent should be fixed arbitrarily for the next 15 years. It is very different to a voluntary reduction given during a bad year; these reductions are given in what are considered the bad times, and are to continue for 15 years.

3090. What is the feeling in the public mind in the north in regard to the decisions of the Sub-Commissioners?

The feeling is very different. The feeling of the tenants, at least the feeling to which they give expression, is, that the decisions of the Sub-Commissioners are not low enough. It is very difficult to test public feeling in that way. Of course the landlords hold a very different view.

3091. Marquess of *Abercorn.*] Is not that feeling principally dependent upon what is called Healy's Clause?

I think it is. There is an idea in the tenant's mind that Healy's Clause gives them the right to everything but what they call now the prarie value, and that everything which is on the soil beyond the original state of nature belongs to the tenant.

3092. Lord *Tyrone.*] Have you heard that the Sub-Commissioners who have been at work in the different districts are to be removed from those districts after this time?

I have; and I consider that, supposing them to be qualified men, to be a great evil, because they will lose the advantage of any information they have got in the district in which they have been working; I think it is utterly absurd to shift men about from one county to another, and expect them to value land; it is impossible for them to do it properly; supposing the men to be qualified at all, it is better to retain them where they have obtained knowledge than to take them to a strange place.

3093. Have you, on your estate in the north, considered the question of labourers' cottages, as resulting from the action of the Act?

In some five or six cases where decisions have been made the Commissioners have ordered that cottages be put in a certain condition and a rood of land attached to them.

3094. That was not upon your own property, because you have not had any cases?

No, I have not.

3095. I was asking about your own property; do you consider that on your own property there is room for building labourers' cottages with advantage?

On the properties immediately about my neighbourhood the population is very thick, in consequence of weaving being a general employment; and there are more people living upon the land than are wanted for agricultural purposes; the consequence is, that in any revision with regard to labourers' cottages you would require to consider for what purposes they were wanted; it would be very unjust to the farmers themselves to insist upon all the houses that are upon their lands being put in a statutable condition, because the people are not wanted for the labour of the land; the houses, as a rule, are badly arranged, and the labourers badly accommodated.

3096. I suppose you would infer that if the Sub-Commissioners ordered labourers' cottages to be built they should be fit for human habitation?

Certainly.

3097. You are not aware, I suppose, whether there is any arrangement by which

which the Sub-Commissioners can force tenants to build cottages of that description?

They have given orders, but I do not see how they are to be enforced.

3098. Duke of *Somerset.*] You say there are more people upon the land than are wanted for the cultivation of the land in their neighbourhoods?

They occupy themselves by weaving linen, and labouring on the land, when called upon by the tenant. They get a house, in fact, on that condition, that they give so many days' work in the year.

3099. Then during the other time they are employed in the linen manufacture?

During the other time they are weaving.

3100. Marquess of *Abercorn.*] A man of that kind is generally very well off, is he not, if his family can weave?

In good times they are very well off, but of late wages have been very low.

3101. Marquess of *Salisbury.*] You were speaking about the importance of inducing the gentry to continue residing in Ireland, but the inducements to them to do so are very much less than they used to be, are they not?

Very much less.

3102. The political influence, I suppose, to a great extent, has disappeared, has it not?

Entirely since 1870.

3103. The sporting rights are no longer of the value which they formerly possessed, are they?

This last year they have been of very little value; they have been encroached upon very largely indeed, in many counties.

3104. By the violence of the people, do you mean?

By the violence of the people.

3105. But is it not also the case that recent legislation has made them of less value. I refer to the Hares and Rabbits Bill?

I think not.

3106. There is very little now to induce gentry to remain in the country, except financial reasons, and their attachment to the country if they are animated by that feeling, is there?

If the present excitement were calmed down, I do not see why it should not be as pleasant a country to live in as ever it was.

3107. Do you mean that the relation between the landlords and the tenants is likely to resume its former friendly footing?

I do not see any reason why it should not, and why they should not live on pleasant terms together; certainly in the North.

3108. Your experience is principally confined to the North, I suppose?

Entirely.

3109. You entertain the hope that in the North there may be a restoration of the feeling that formerly existed?

I think it is certain.

3110. Do you not think that for the purpose of bringing that about, it is desirable to bring to a conclusion the cases in these courts as rapidly as possible?

Certainly, they provoke ill-feeling immensely. As long as these courts are going circuit, there will be irritation and ill-feeling.

3111. Has any plan occurred to you by which the block in the courts may be diminished?

There is a very general feeling among all owners of land that I have talked to, that it would be a very advisable thing, if instead of the courts, the Valuation Office (Mr. Ball Greene's office in Dublin) would take up the rent question, and fix what the rents ought to be.

3112. Do you think that the decision of Mr. Ball Greene and his subordinates would be looked to with confidence as an arbitration?
I do.

3113. By both landlord and tenant.
By both landlord and tenant.

3114. And to decide the knotty question that often arises, as to the value of the tenant's improvements to the farm?
That is a question that in theory seems very difficult, but in practice anyone familiar with the dealings between landlord and tenant in Ireland can arrive at it in a very short time. There is very little difficulty about it.

3115. *Chairman.*] How is that, because we hear it spoken of as if it were a matter of very great difficulty indeed?
The houses and buildings speak for themselves; there is no question about them, and in no estate that I have had any experience of was any rent ever charged for a building.

3116. You say that they speak for themselves?
There they are.

3117. They testify to their being there, but they do not speak as to who built them, do they?
It is presumed that the tenant built them, and the contrary is never contended, unless the landlord is able to show, which is a matter of notoriety, that he has built them.

3118. Marquess of *Salisbury.*] Which does not happen very often, I suppose?
It happens very seldom.

3119. Lord *Tyrone.*] You are merely referring to the north?
I am merely referring to the north. There are estates, no doubt, but I think they are the exception, where the landlord has built houses.

3120. *Chairman.*] You say that, as a general rule, nobody would think of putting any rent on the buildings?
I never knew it done. The other improvements, I think, are very easily ascertained. Anyone accustomed to value land will see, from the nature of the land itself, from its quality and surroundings, whether it was ever drained or not, and if drained, it is very easy to find out whether the drains had been put in upon a scientific principle, or merely here and there, as is the custom of the tenants. I do not think it is a practical difficulty at all, although theoretically it seems very difficult to explain.

3121. Lord *Tyrone.*] Have you come across any deterioration of land in your district?
Yes.

3122. Is that difficult to ascertain?
No, I think it is very easy to find out whether a farm has been badly cultivated or not.

3123. Are you aware whether the Sub-Commissioners have made any deductions from the rent for deterioration?
They have only looked at one side of that question, I believe. If they followed out their own theory they ought to add to the rent, in the case of deterioration, to compensate the landlord for his loss.

3124. *Chairman.*] To value the land at what it would be worth if there had been no deterioration you mean?
Yes; I think they value it as they see it, and the landlord suffers from that deterioration.

3125. Marquess of *Salisbury.*] Then if they only go on long enough the whole of Ireland will be deteriorated, because the tenants will prepare their land for the visits of the Sub-Commissioners, will they not?

If they go on as at present there will be no rent left at all, because they will deduct the value of their improvements over again.

3126. Lord *Brabourne.*] That offers a premium upon deterioration, does it not?

It does. There is an immense inducement to tenants with a 15 years' term to cultivate the last four or five years as badly as possible, so as to get a low rent fixed.

3127. Marquess of *Salisbury.*] We are told that at the present rate the Courts are likely to go on for several years with the present crop of cases; if that is so will it not be an inducement to the tenant, foreseeing that in two or three years he is going before the Court, to get his land into a condition which may arouse the sympathies of the Commissioners?

I think the temptation in that respect is very great.

3128. Earl *Stanhope.*] In your scheme of a general revaluation under Mr. Ball Greene's Office, would that expedite matters very much?

I think it would very much.

3129. Have you made any rough approximate calculation of how long it would take to do it?

Only upon hearsay. Mr. John Mulholland, a Member of the House of Commons, told me he had had a conversation with Mr. Ball Greene upon the subject, who stated that he could revalue the whole of Ireland sufficiently for rent purposes in three years, and he added that he did not consider any block to business would occur because he could take up the pressing cases first and have them arranged.

3130. That is exclusive of losses I suppose; he would not value land under lease would he?

As the law stands at present there is no object in revaluing leases until they fall in.

3131. Lord *Brabourne.*] Do you think the leaseholders will long submit to being in such a much worse position?

I do not think they will; I think there is some agitation at present among them. They think they have been very unfairly dealt with.

3132. Do you think the labourers will long submit to not being given a share in the produce of the land?

I do not think they will.

3133. We have got then that anticipation to look forward to?

You have that anticipation to look forward to.

3134. *Chairman.*] Do you think a re-valuation by Mr. Ball Greene's office would be satisfactory to both tenant and landlord?

I do; most certainly in the country Antrim it would be accepted at once by both sides as satisfactory.

3135. Earl of *Pembroke and Montgomery.*] You would give some right of appeal from that valuation I suppose, would you not?

There would be no difficulty in giving the same right of appeal that there is now to the Land Court. I think the appeals would be very few.

3136. Lord *Brabourne.*] Would not a personal inspection of the improvements be necessary on behalf of the applicant, whether tenant or landlord. We now hear that there is a great difference of opinion as to the value of the improvements?

I think now that both landlord and tenant is alive to the question of improvements, that there will be records kept.

3137. Before those records are kept (say now at the present moment), do you suppose that the decision of the Central Court, unless it had an inspection, could be satisfactory?

As far as I have seen in regard to the inspection of the Courts, I think the

evidence of skilled men would be much more valuable than the inspection of the Court.

3138. That would be an inspection by skilled men, would it not?
Under the Valuation Office it would be very desirable.

3139. Earl *Stanhope.*] There has been an alternative scheme suggested, namely, that each Sub-Commission as it was constituted should employ valuers before they go into their districts, so that they should know the value of the land that comes before them without going on the land itself. Do you think that is a valuable suggestion?
The only instances we have of land being valued by valuers appointed by the Court are the valuations of Mr. Gray and Mr. O'Brien, and I think the Courts seemed to disregard their valuation entirely in their decisions.

3140. Lord *Brabourne.*] Do you mean that they fixed the rent below or above the valuation?
They fixed the rent below it.

3141. Did they say anything in their judgment to justify their having disregarded it altogether?
I think Mr. Justice O'Hagan said in his judgment that he considered that Messrs. Gray and O'Brien in fixing the rent had fixed the gross rent, and that from that rent they were expected to deduct the improvements, but upon reading the valuation of Messrs. Gray and O'Brien it was impossible for an outsider to take that view of it. I certainly did not so read it.

3142. Are you aware that three new Sub-Commissions have been just appointed?
I have seen it so stated in the papers.

3143. Do you not think that that will expedite the determining of fair rents?
No doubt it will, but it is only three added to 12, and when you consider the amount of business that has to be done, I think the expedition will not be sensibly felt.

3144. Do you know whether in your county of Antrim cases are coming in weekly?
I do not know that in the last few weeks there have been many of them, but there have been an immense number of cases. I know that a friend of mine, who is an agent for some 40,000 *l.* or 50,000 *l.* a year, has 400 cases in hand.

3145. *Chairman.*] Four hundred cases not heard?
Not one of them heard.

3146. Marquess of *Salisbury.*] Are they all before one Court?
They are before the county Antrim Sub-Commission.

3147. Earl *Stanhope.*] There have been really very few cases decided in county Antrim: is not that so?
I do not think there are more than 30 cases decided in county Antrim.

3148. Marquess of *Salisbury.*] I think you said the Sub-Commissioners were not men of such character as to inspire the confidence of both parties?
As to the character of the Sub-Commissioners I do not speak at all.

3149. I do not mean to say personal character?
In character and occupation for aught I know, they may be men of very high character, but they do not hold the position that one would naturally expect members of a Court deciding cases of such importance to hold.

3150. You do not consider them to be men of sufficient standing, as I understand you?
I do not.

3151. Do you imagine them to be men likely to be impartial between landlord and tenant?
That is a very difficult question to answer; as I said before, I think we ought

to have had as a chairman of such a Court a man of standing sufficient at least to be a county judge.

3152. Do you think that the experiment of appointing laymen on the Court has answered?
I do not think it has.

3153. You would prefer it if the Court were entirely legal?
I would prefer if the Court were legal, and guided entirely by evidence in the decisions at which they arrive.

3154. And not by walking over the farms?
Not by walking over the farms. In walking over the farms they make themselves valuers, and are guided by their own opinions, and what they hear from farmers on the spot, and I think that they are not qualified from their antecedents to become valuers of land.

3155. Do you think that much is said to them as they walk over the farm by persons interested in the case?
I never was present, but of course there must be. However, both sides are always represented; the landlord's agent or solicitor is present as well as the farmer.

3156. You have never been present at any of those walkings over?
Never.

3157. Earl *Stanhope.*] No doubt it takes a great deal of time to walk over two or three farms, and therefore it retards the decision of the fair rents?
They give very little time really to form a judgment of the value of the land; they would require to occupy four or five times the time they do to do that. It is ridiculous to walk over a farm, and attempt to put a value upon it in contradiction of skilled valuers, who have actually valued it, spading every field.

3158. Lord *Brabourne.*] The time of year has also something to do with it, has it not?
The time of year they started was most unfortunate; it was the wettest part of the year.

3159. There is a great deal of land in England, and I suppose there is in Ireland also, that you would judge of very differently according to the season of the year at which you saw it?
Certainly there is a great deal of land in Ireland that it would be utterly impossible to put a proper value on in the wet part of the year.

3160. There is a great deal of land in England, and I do not know whether it is so in Ireland, on which, on account of water, you can keep no stock at all until certain months of the year; then for the following months you can keep a great deal of stock. If you have such land as that it would make a great difference whether the valuers saw it in winter or in summer, would it not?
Upon that point there is one case which has assumed rather a position of notoriety, that is the case of Adams *v.* Dunseath. Upon the farms upon that estate, I suppose half the land is subject to flooding, and I believe when the Commissioners were there it was actually under water.

3161. Marquess of *Salisbury.*] Were they on the part that was under water?
I think they kept off that.

3162. Lord *Brabourne.*] It would be impossible then to ascertain what would be the value of the land in its good summer state, would it not?
I think it would; they could only form an estimate by being told what it would graze in the summer. It was upon those farms that were flooded that the great difference as to the old rent and the judicial rent arose.

3163. Earl *Stanhope.*] Do you think the position of county Antrim would be improved if the emigration clauses were vigorously worked?
No.

3164. You told us just now that more labourers were residing on the soil than were wanted for the cultivation of the land?

Yes, but they are wanted for other purposes. During the last few years the weaving industry has been rather depressed, but there is a very large industry there in the weaving of linen. It is woven by hand in the cottages through the country, and gives a very healthful employment to the people, and maintains a much larger population than the land would otherwise support. I think it is rather a healthful state of things when it is prosperous. I think the people from the county Antrim who would want to emigrate can always find the means of doing so themselves. There is no need of Government assistance there.

3165. Do the boards of guardians assist in the matter of emigration in your neighbourhood at all?

No, in fact there is no public assistance necessary.

3166. You think that when these rents have been decided, so far as the north of Ireland is concerned, everything will settle down quietly, as I understand?

As far as one can see at present I do not think the value of land will ever recover; so long as it is possible in 15 years for the rents to be revised again no one knows how much more rent may be taken off.

3167. Lord *Brabourne.*] And you may possibly have further legislation, may you not?

We have no confidence in anything now; we do do not know what may come next.

3168. In fact the only people benefited in your opinion are the legal profession, the solicitors, and valuers?

The tenants have a large reduction of their rents also.

3169. You told us just now that you looked forward to an agitation of labourers before long?

We have not begun to fear that yet, but undoubtedly that must come; there have been one or two meetings of labourers in our neighbourhood within the last two or three months agitating for judicial rents to be fixed upon their cottages.

3170. Earl *Stanhope.*] How do the labourers find leaders, and what kind of leaders have they?

Your Lordship would be astonished if you knew how much ability and intelligence there is among the weaving class, and they look upon themselves as labourers because they hold the same cottages that the labourers hold, and they would join them in any agitation that might arise.

[The Witness is directed to witndraw.

*Ordered*, That, this Committee be adjourned to Thursday next, at Twelve o'clock.

# *Die Jovis*, 30° *Martii*, 1882.

## LORDS PRESENT:

Duke of NORFOLK.
Duke of SOMERSET.
Duke of MARLBOROUGH.
Duke of SUTHERLAND.
Marquess of SALISBURY.
Marquess of ABERCORN.
Earl of PEMBROKE and MONTGOMERY.
Earl CAIRNS.
Viscount HUTCHINSON.
Lord TYRONE.
Lord CARYSFORT.
Lord KENRY.
Lord BRABOURNE.

THE EARL CAIRNS, IN THE CHAIR.

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MR. EDWARD FALCONER LITTON, Q.C., is called in; and Examined, as follows:

3171. *Chairman.*] THEIR Lordships are anxious to have the benefit of your experience as one of the Land Commissioners upon certain points which have arisen in the course of their inquiry. In the first place, I should like to ask you what is the practice with regard to the number of cases that you allot to be tried by a Sub-Commission at a particular place?

The practice is that the circuits are divided among the number of Sub-Commissions the Government have given to us. I can give you a copy of the proposed circuits that I have brought over to show the present arrangement, or rather what it will be, on the 17th of next month.

3172. Have you brought that in a map, or is it a list?

I have brought it in a printed list; it has not yet been published, but it is for the next going Commissions, on the assumption that there will be 16 Sub-Commissions. Up to the present time we have had but 12 Sub-Commissions, but we asked for an additional four Commissions, and Her Majesty's Government have given us those additional Sub-Commissions, and this document will show your Lordships the arrangements that have been made for the next 17 weeks. The gentlemen who are to conduct the Commissions have not yet been allocated to the districts, but the towns have been settled, and the fixtures have all been made. (*The document is handed in.*)

3173. In the first place, how long will each Commission sit in a particular place?

The period varies according to the number of cases in the district. We have 17 weeks for the Commission to last; we then take the books in each county, and, looking over the unions, we make an inference as to the amount of business in each district, and we allot a fortnight or a week, or even three weeks, as you will see, in some instances, during which the Commissions will sit in the different unions of the different counties.

3174. When you say 17 weeks, you mean that at the end of 17 weeks the circuit will be completed, and you will reconsider the matter then?

Yes, we hope to give a fortnight or three weeks vacation at that time.

3175. How many cases do you assign to be disposed of at each sitting?
Heretofore our practice has been to give about 50 cases to each week; we propose to send down 150 or 180 cases to places where the time allotted is three weeks in the present list.

3176. According to your experience how many cases are got through in a week?
According to my experience I think you may say that about 35 adjudications are made in the week by each Sub-Commission; The whole list may be disposed of by settlement, but as regards the adjudicated cases, about 35, I think, has been the average work of each Sub-Commission.

3177. Then when 50 cases are assigned to a Sub-Commission the parties in all those 50 cases are bound to be ready, are they?
Yes, more or less. They cannot be certain that their cases will not be called on. Of course a person whose name is at the end of the list may speculate, and I believe they often do, that his case will not be reached, but it is quite possible that it may be reached, and they all ought to be ready.

3178. Therefore they must be ready with their valuators or other evidence that they may require?
Whatever evidence they may think proper to have.

3179. It has been pointed out, and of course it is obvious that a certain amount of expense must be incurred in that, especially by those whose cases in the result are not called on?
Undoubtedly that must be the natural and inevitable consequence, more or less.

3180. Does it occur to you that that could be avoided in any way?
Not in the case of those parties who intend to fight their cases. If parties intend to come in and litigate they must take their chance of expense. Facilities might be offered to parties who are willing to come to terms without the necessity of litigation; but if persons intend to litigate, they must take their turn, and incur the expense.

3181. It is with reference to those that I was speaking; they have to be armed with valuators and witnesses, have they not?
Certainly.

3182. Does it occur to you that there is any way in which a smaller number of cases could be set out as it were for each day with a greater certainty of their being heard?
I think not without leading to inconvenience, probably greater than the necessary inconvenience that your Lordship suggests.

3183. Supposing in disposing of the 50 cases you speak of, only 35 or a smaller number are reached, what is the result to the remainder?
The remainder stand over to the next time the Commission visits that town.

3184. Then the same expense must be gone through again, must it not?
So far as the attendance of witnesses is concerned, it must.

3185. And the professional men?
Yes, there would be also the attendance of professional men.

3186. Marquess of *Salisbury.*] May I ask you if you ever alter the numbers or position of cases in the register?
Never in the register.

3187. That is to say, that a case always comes on in the order in which it has been put down by the party who served the originating notice?
Except in cases where evictions have taken place. If we know that a man has been evicted, and he comes in under the Act to get an extension of time to redeem with a view to selling his holding, we do then bring that case up out of its turn, otherwise we should have to postpone, or rather to extend, the period of redemption, until it was reached in the ordinary course. That would keep the

the landlord on the one hand suspended, and it would also keep the tenant suspended, and therefore, having regard to the benefit of both, we take those cases out of their turn.

3188. With that limitation you do not take them out of their turn?
We do not.

3189. Lord *Tyrone.*] Are the Sub-Commissioners obliged to take the cases in the rotation in which you send them down to them?
I should think they have a discretion. The list may have 50 cases on it, and if an application is made to the Sub-Commissioners to postpone to the end of the list any case, I think they would have perfect discretion to do that; I do not know whether they do it as a fact, but I apprehend they would have a perfect right to do it, if it would lead to the convenience of the parties.

3190. Have you ever heard of any case being decided as its position on the list by ballot?
Never.

3191. *Chairman.*] When you say they would have a discretion, do you mean on the application of one of the parties, or with the consent of both parties?
I think they would exercise their discretion. If the application were made on the hearing of both parties, I think they would say it is convenient to hear these cases earlier. I will give your Lordship an illustration of how it might be most convenient; we send down a list of say 100 cases or 50, or of less; it may happen that the town where they open the sitting may be in the immediate vicinity of property relating to a case low down on the list, and the first case may be at a distance from that town. It would be manifestly convenient, if they thought proper to visit the holding, to postpone the case on the list, which relates to a distant holding, and to dispose of the second or third on the list, which is immediately at hand; and I think they have a perfect right to exercise that discretion.

3192. Viscount *Hutchinson.*] What notice would they give of such postponement?
It would be done only on the application of the parties attending in Court at the sitting.

3193. Lord *Kenry.*] Might it not happen in that event that the case which had been postponed and which stood first might not come on at all in consequence of its having been postponed until after the case that stood lower down the list?
It might so happen.

3194. That would put the parties concerned in that case to very great expense, would it not?
Your Lordship means that it might so happen not to come on at all as I understand, and of course that might happen; but it is not likely I think; your Lordship will observe that upon the document I have handed in, we have put a foot note, which is an indication to parties. It is to the effect that application may be made to the Sub-Commission on the first day of the sitting with a view to hearing cases in the different districts of the union for the convenience of the parties.

3195. *Chairman.*] Without saying whether the discretion which you speak of should or should not be possessed, it would obviously have the effect of making it more necessary that the parties in all the 50 cases should be ready from the very first commencement of the sitting to have their cases called on; is not that so?
Yes.

3196. Of course they do not know what cases might, under that discretion, be adjourned?
That is quite true. It is like any other judicial proceeding. Gentlemen who know there records are on a circuit list must be all ready, though remanets may be made of their cases.

3197. Except, as you know that we are not accustomed to a list of the magnitude of 50 cases in any court of law?
That is so.

3198. Such a thing was never heard of, I suppose, as the parties being prepared at any monent to have 50 cases called on?
No.

3199. Marquess of *Salisbury.*] Would it not be convenient if the power of grouping the cases was exercised by the Chief Commission, so that those of a particular landlord might all come up together?
As a matter of fact they generally are so grouped from the necessity of the case, inasmuch as they generally come in the same district.

3200. The different tenants on an estate may have given notice at different times, so that there may be on various parts of the register tenancies belonging to the same landlord, and he may have to appear and re-appear, with valuators and counsel to his own great cost?
Outside the limits of the 50 or 100 cases.

3201. You would not require it beyond that?
No, we never send down more cases than the number likely to be disposed of at the sitting.

3202. You would not displace them?
We would not displace them for that purpose alone.

3203. *Chairman.*] I was about to ask you whether you consider in Dublin before you arrange the cases that are sent down, that grouping together as far as possible, of the cases on the same estate?
We do. The instructions we give to the gentlemen in charge of the books are these: we say, the Sub-Commission will have to sit at Athlone on the 17th of April; there is a fortnight allotted for that union; take up the book, go through the electoral divisions and group them by the electoral divisions. Your Lordships are aware that electoral divisions are sub-divisions of the unions, and generally speaking, all the tenants on one property come within it. Going through the consecutive numbers on the books we would take the first 50 or the first 150 names in order, and group them into order within those limits.

3204. Not merely according to the electoral district, but according to the estate, is that what you mean?
No, it is done more by the electoral division. If we found the name of one landlord with half a dozen cases in the same electoral division and the first of those cases high up on the list, and the second low down, we would put them both together. I am sorry I did not bring over a list which would have shown your Lordship the way in which we group the cases.

3205. Marquess of *Salisbury.*] We had a list put in by Mr. Murrough O'Brien in which there were cases, the numbers of which had evidently been displaced?
Yes, it would be done for that purpose.

3206. Lord *Tyrone.*] Are the postponed cases heard first when the Commission sits again?
Yes, they are, they go to the top of the next list.

3207. *Chairman.*] The remanets are taken first?
Yes.

3208. We know that there are no pleadings in these cases?
No; there are not.

3209. Is any course taken, or do you think any course would be desirable without pleadings, to inform the landlord, as he is in the position of defendant in almost all these cases, what the case of the tenant will be with regard to his claim as to improvements?
No; my colleagues and I considered that question very carefully, and having

having regard to the aspects of it on both sides, we came to the conclusion that the course we adopted was the wiser course of the two.

3210. What was the course you adopted?
The course of not requiring particulars to be stated.

3211. What led you to adopt that course?
That I do not think I can answer; at least I must respectfully decline to answer, because to do so would be to enter into the reasons which influenced the exercise of the discretion vested in us by Act of Parliament.

3212. You are aware, I suppose, that under the Act of 1870, the tenant making a claim in respest of improvements had to specify the improvements, and the time at which they were made?
Yes, I am. That was for the purpose of being paid the compensation for disturbance.

3213. We understand that in cases where an application has been made in Dublin by the landlord, that the tenant should be ordered to give this information, an order has been made to that effect?
Yes, I was the Commissioner before whom the first application of that kind was made, and I did not hesitate to make it for one moment. I thought it was fair and reasonable. I may mention to your Lordships what I think illustrates, or rather establishes, the wisdom of the course adopted by the Commission. Since the 20th of October, when we began to work the Act, there have been only 16 or 17 cases out of the whole number of cases in which applications for particulars have been made to the Court, and the inference that I would draw from that, as a fact would be, that the course of proceeding fixed by our rules has worked satisfactorily.

3214. We have it in evidence, that it has not worked satisfactorily, so far as the parties are concerned; but may not the reason why so small a number of cases occurred in which the application was made, be this, that the application involves the costs of counsel, and has to be made on an affidavit, and on an argument in Court?
I think the reason probably why so few applications have been made is, that it was found after the first application that the Court was prepared to make the order in reasonable cases at the instance of the landlord, and that the costs would be imposed upon the tenant if he did not comply with the preliminary notice asking for those particulars; and I think the particulars have been given in nearly every case when demanded.

3215. Have you any information as to cases in which particulars have been asked for and given by the tenant without an order of the Court?
No. I can give you one case in which particulars were asked, and, I believe, given, but such cases would not come before the Court.

3216. You only know of one case in which it has happened?
My inference would be that it has happened in numberless cases, but I cannot give you any.

3217. Supposing that the habit has been, when such notice has been given, to decline to comply with it, you have only in your experience one case of a different kind?
Yes, I was not aware of it until yesterday. It turned up in the file of papers that an application had been made by the landlord, and I presume it was complied with, because no order was applied for.

3218. Supposing it not to be complied with, the landlord must apply to the Court in Dublin, must he not?
Yes, not of necessity by counsel, but on a solicitor's motion.

3219. On an affidavit?
There must be an affidavit as to the propriety of it.

3220. And I suppose he must give notice to the other side?
Certainly.

3221. When an application for particulars has been refused, and an application to the Court for an order made necessary, has the course been adopted of making the tenant pay the costs?

That would depend upon whether or not the notice asked for too much, or only enough. If the notice went on to ask for very detailed particulars, which were unreasonable in our opinion to be asked for, or given, and which it was impossible for the tenant to have at hand, the tenant would not have to pay the costs.

3222. I do not propose to ask you such an improper question as what you would do in a certain case, but, as a matter of fact, have you ever ordered the tenant to pay the costs?

As a matter of fact I can hardly say. I think both parties bore their own costs.

3223. You do not remember any case of the kind?

No, not with certainty.

3224. Do you think it desirable to leave to the landlord the serving of notices on the tenant requiring particulars?

The only way I can answer that question is this, we think that the course provided for by the rule of not requiring those particulars to be given in the first instance is the wiser course.

3225. Leaving the landlord to apply to the Court for an order that particulars should be furnished?

Yes, after having first applied to the tenant.

3226. What is the time that elapses, or that may elapse, between the originating notice and the trial?

That would depend altogether upon the order in which the preliminary notice was served or filed and the number of cases in the county.

3227. I mean supposing there were no arrears, what length of time would elapse?

Supposing there were no arrears, it would certainly be within the limits of one of these circuits of which I have spoken.

3228. Does it appear to you that there would then be time for the landlord to serve notice on the tenant for particulars, and to apply to the Court if they were refused?

I think there would be quite sufficient time. Every landlord has notice of his case coming on as a contentious case by the service of the originating notice; he has generally three weeks' notice when the case is fixed for trial; we give as much time as we can.

3229. Is the three weeks' notice given by rule?

No, it is by office arrangement. In the earlier period of our work of course we were not able to give so long a time. In that list before your Lordship the notices went out yesterday to all the first towns on the list; at least, that was the direction given.

3230. Up to what time will that be?

That will be up to the 17th of April.

3231. During that interval would there be time for the landlord to apply to the Court for the tenant either to comply with the application or to refuse, and then for the landlord to apply in Dublin?

I think so.

3232. Would the order go on to say that he should still have an interval after the information was given before his case was called on for trial?

If the landlord on the application pointed out that the case was in the list for a particular day, and that there would not be time to wait for the reply from the tenant, and to give him an opportunity of investigating its correctness, there would be an order sent down to the Sub-Commission not to go on with that case. This is the form of order made on the application of the landlord. (*The document is handed in.*)

3233. This

3233. This does not go on to say anything about postponing the case?
No; that addition is allowed to be made by the parties when they apply for the order. A gentleman will say, this case is in the list for next week, and after giving the 24 hours, or 48 hours, or three days, as the case may be, and which would be determined at the time of the hearing for complying with the order, it will be impossible to investigate it, in that case we would say, that is quite true, and we must take this case out of the list and postpone the hearing of it.

3234. We understood from some of the evidence that the Court in Dublin had stated that they would not make an order for these particulars in cases below a certain value; is that so?
Yes; I stated so.

3235. What was the limit of value?
I think it was a valuation of 10 *l.*

3236. Why should there be a difference between cases under 10 *l.* and cases above 10 *l.*?
That, again, rather trenches upon the question of discretion, but the reason as it occurs to me is plain. The proceedings would be so harassing to a vast number of tenants of a poor and ignorant class (who would be utterly unable to comply, or if put under terms to comply, could only give information that could be of no value to the landlord), that in the exercise of our judgment we came to the conclusion that we would not make it a general rule, but be guided by the particular circumstances of each case.

3237. Pray, do not imagine that I wish to canvass anything you have done in the exercise of your judgment. I am only speaking as to the policy of the thing as a matter open for consideration now. Does it occur to you that, if above any particular value there is a necessity of giving this information to the landlord, the landlord would not be equally in need of the information in cases below that value?
The way I answer that is this: when I speak of having expressed an opinion that it ought not to be given below 10 *l.*, it was not as a rule, but as a general principle. If there was a case below 10 *l.* in which the facts justified the order, we would make the order; at least, speaking for myself, I would be quite prepared to do it.

3238. According to the circumstances of the particular case, you say?
Quite so; it would be only a question of discretion. It was only a general observation; it was not either an order or a rule, and possibly it could not even be called a judgment.

3239. Would it not impose a difficulty in the way of the landlord making the application, which you thought it was right that he should make to the tenant asking for the information, if the tenant was made aware that the Court would not look favourably upon an application to compel him to give it?
Possibly it might.

3240. Marquess of *Salisbury.*] Can you see any mode of redressing what would be the obvious disadvantage to the landlord arising from this decision, presuming that you continued to adhere to it with regard to the small holdings?
If I was satisfied that there was very great inconvenience to the landlord, I would try to consider how we could meet it; but, according to my present information, I do not believe that in one case in 1,000, or in one case in 5,000, it would affect the landlord to the extent of 5 *d.*

3241. But according to the evidence we have had here, certainly those who represent the landlords appear to look upon it as a considerable difficulty?
It is a sentimental grievance, I think.

3242. Earl of *Pembroke and Montgomery.*] Do the Sub-Commission ever allow adjournments when the landlord says that evidence is produced which he has not heard of before, and is not prepared to meet?
It is quite within their power to do so, and I rather think they have had some cases adjourned.

3243. That has happened, you think?
I think so; I know they have the power to do it; in fact, we have given to them all the powers we have ourselves, with certain limitations in regard to the cases committed to their charge.

3244. *Chairman.*] What is the difference in principle, as it appears to you, between proceedings under the Act of 1870 and proceedings under the Act of 1881 as regards this matter?
I think they are wholly dissimilar. Under the Act of 1881 we have to recognise a continuing relation between the landlord and tenant; the one gets a perpetuity, the other was a mere clearing out of the tenant.

3245. That I am quite aware of; but I mean as regards the improvements; is not the question of fact to be investigated exactly the same in the one case as in the other?
That is true; but it is a question whether the policy of the arrangements under the Act of 1870 was a wise one. The class of cases that came into the county courts with regard to compensation for evictions were of a much more substantial class than the average class of cases we are dealing with, and it was a matter of regret, I believe, in some cases that the course adopted under the Act of 1870 was adopted. I fancy if we were framing rules under the Act of 1870 for the purpose, we would not require those particulars to be given.

3246. That would be the view you would take of the rules under the Act of 1870?
Yes.

3247. But there is no difference in point of principle, I suppose, between the two?
In point of principle, so far as the Acts proceed on the same line, there would be no difference; but of course, so far as the policy of the two Acts varies, there might be a difference. Our object was to make the Act as easily worked as possible.

3248. I understood that you declined to give the reasons which led you to adopt the course you did; we shall be very glad to hear the reasons if you wish to give them, but then it must be in answer to my questions?
I prefer to take your Lordship's suggestion, and not enter into the reasons.

3249. We should be most happy to hear them, but we should like to hear them fully if we hear them at all?
I think it is better that I should decline to go into them; of course I would be very happy outside the Committee to state any reasons.

3250. You will understand we shall be very glad to hear the reasons here if you like to state them, in answer to questions put to you, but we should not press you in the least if you have any desire not to state them?
I thank your Lordship.

3251. We understood that, in the first instance, in the instructions and forms which you sent down to the Sub-Commissioners, you require them to state, as part of their findings, the value they put upon the tenants' improvements and interests?
Yes, that is so.

3252. That is no longer part of the information they are required to give, is it?
There was a change made, and from that time to the present that information has not been insisted upon. It is proposed to get that information, as far as possible, in future returns again. There were great difficulties in the way, but we intend to try to do it so far as we can in the future.

3253. I suppose I may infer from that, that you think there would be very considerable advantage, if it can be done, in obtaining that information?
I am doubtful about that. We do it rather to show that we are anxious to meet the views of persons who place a value upon it. We think it will not lead to any very practical results of a satisfactory character, or, at all events, that it

may

may not. First of all, we do not think that we can get accurate information in all cases; in the second place, we think that it is extremely hard to put a money value upon them and then to fix a reasonable relation between the money value and the rent.

3254. But without at all disputing what you suggest now, namely, that it would be very difficult to do it, is it not one of the difficulties that the tribunal has really to cope with and to meet?

Yes; and it would be a matter of absolute propriety if the difficulties of the tribunal in fixing a fair rent were defined and could be reduced to a mathematical or arithmetical calculation.

3255. But, is it not a matter which the tribunal ought to have in their own mind before they come to a decision?

Yes, they undoubtedly ought.

3256. And does it not occur to you with regard, for example, to the question of appealing, either on the part of the tenant or on the part of the landlord, that if it could be done, that it would be very desirable to have the two elements kept distinct?

Yes. I think the more information we can possibly have in our adjudication, or note of adjudication, to enable the parties to judge whether they can appeal or not, the better.

3257. For example, a party might say, we are quite satisfied with the gross rental which is put upon the holding, but we are not satisfied with the allowance as regards improvements, or *vice versâ*?

Yes; it is one of the difficulties which we would wish to overcome, and as to which there are considerable obstacles. I may mention that between the North and South of Ireland it would, of course, require a different return. In the North of Ireland, on those estates in districts in which the Ulster custom does prevail, it would be regulated, not by the amount of money value of the improvements, but by the custom, because the custom includes both the improvements and the good will. We would require a separate form for estates subject to the custom, and for estates not subject to the custom, and we have those very forms before us in course of preparation.

3258. Marquess of *Salisbury.*] Do you mean to say that you would not separate the goodwill from the improvements?

Not where the custom prevails, because the evidence covers both. They are so connected with each other that it would be impossible to distinguish how much of the value under the estate rule included improvements, and how much included good will.

3259. *Chairman.*] Would your form propose to set the amount of the customary value as against the rent?

No; our form would only ask for the fact to be stated.

3260. Marquess of *Salisbury.*] You would not read the "customary value" in Healy's clause, instead of "improvements"?

No; clearly not.

3261. *Chairman.*] My question at the outset had more particular reference to the improvement. Let us take a case, not in the north, if you please, for the moment, in order that we may be quite sure we are upon the same point. The form, I understand, as it originally stood, would have led the Sub-Commission to put the value upon the whole as it stood, without reference to improvements?

Yes.

3262. And then, on the other hand, to say what is the allowance that ought to be made to the tenant for improvements which he had made himself?

Yes.

3263. And their economic value, or their value?

Yes.

3264. That would be so in places not subject to the custom?
It would.

3265. What would the difference be with regard to places subject to the custom?
We would ask the Sub-Commissioners to note the value of the tenant's improvements included in the amount fixed by the custom as including his improvements and goodwill, that is the value of his tenant-right.

3266. Marquess of *Abercorn.*] Do you mean that if the tenant can get 25 years' purchase, we will say, for his farm, that would in some degree tend to pay for the improvements?
It would include the improvements, and, of course, that would be assuming that the 25 years was according to the estate rule, which, of course, your Grace is aware, is limited in some cases to 10 and in some cases to five years.

3267. *Chairman.*] The particular clause which says the tenant is not to be charged rent does not speak of anything but improvements?
Quite so.

3268. How would you apply that in the north of Ireland?
Your Lordship will see in regard to the subject we are upon now, we only propose to ask for information as to the fact. We do not propose to ask in tenant-right districts for the money value of the improvements taken alone, or the amount by which the rent ought to be reduced by reason of such improvements, we only propose to ask that the value of the tenant right should be given. We leave it to the Commission to judge what the annual representative of that value ought to be, and how far it ought to go in reduction of the rent.

3269. I do not think I quite understand your answer. The form, in whatever way you would prepare it, would bring out the fact of the economic value of the improvements made by a tenant?
We will take a particular case out of Ulster; it might find that the value of the tenant's improvements were 100 *l.*

3270. Do you mean the gross value?
The gross value of the tenant's improvements; it might also find the fair value of the holding in the landlord's hands; the gross value in the first instance. The first factor in the equation would be, that the farm is worth 50 *l.* a year as it stands; then, that the tenant's improvements are worth 100 *l.*, and it would leave the rent to be a matter of deduction. It would not necessarily follow that the rent was to be reduced 5 *l.*, 10 *l.*, or 3 *l.*

3271. I am not speaking of what will happen when those farms are altered, but at present, what is the return which the Sub-Commissioners make to you of the work they have done?
The practice in relation to that is that, every day, it ought to be, but certainly every week, each Sub-Commissioner sends up its note of adjudications to the head office, and those adjudications are entered into the books. They are formed into files; if no appeal takes place within a fortnight, the time limited for appeal, that file is put by as a record, and it is a final case. The number of cases adjudicated upon by the Sub-Commissioners up to the 25th instant are 3,511.

3272. The return which they make to you is merely a tabular return?
I will show your Lordship what it is. I brought this as an example (*producing the document*). This is a case in which an appeal has been adjudicated upon. That document shows the way it which it comes up from the Sub-Commission to us. It gives the names of the witnesses and the other facts. (*The document is handed in.*)

3273. Lord *Brabourne.*] Is each document recorded so that 15 years hence it could be referred to?
Yes, each document is put with its own file.

3274. *Chairman.*] Is there a separate document for each case?

Yes;

Yes; separate documents and a separate file. If an appeal comes in, the notice of appeal is put upon the same file along with the documents, and the notice of the final adjudication, and also the valuer's special report, or confidential report to us when we are hearing the appeal. They are all filed, and that which I have handed in is an example of the way in which the papers are kept.

3275. Lord *Brabourne.*] Are the improvements which have been taken into account specified there?

No, only the result.

3276. Marquess of *Salisbury.*] So that in 15 years' time there would be no opportunity of ascertaining what the value of the improvements was now?

No; I think they might be estimated, but they would not be put down specifically.

3277. Lord *Brabourne.*] What is the safeguard against the landlord being again charged for improvements that he had paid for in this present valuation?

The safeguard would be that in 15 years' time it would be stated that this rent was ascertained in respect of all prior improvements; and it would be said, "the rent ascertained 15 years ago took into account all past improvements, and we cannot go behind that."

3278. Suppose that the landlord and tenant were changed, and that you had no record to show what improvements had been taken into account, how would it be found out?

We have a record showing that 15 years ago, we will assume, so much was ascertained to be the gross value, and so much the net fair rent, and that that covered, or should be deemed to cover, all prior transactions up to that date; of course they would not be specifically mentioned.

3279. *Chairman.*] But suppose it became a matter of controversy 15 years hence or more, whether a particular improvement (improvement "A") was made in the year 1881 or in the year 1882, how would that be determined; the adjudication being between the two years?

Between the two adjudications?

3280. Assume that the adjudication is made, we will say, on the 31st of December 1881, and, as you say, clears everything up to that date, but 15 years hence how could you tell whether a particular improvement was made in 1881 or in 1882?

I do not think anybody could complain, considering the law as it now stands that if a particular improvement is made by the tenant or by the landlord he should keep a record of it for the 15 years. The case your Lordship puts could not be noticed on the adjudication, because it takes place after the adjudication, and therefore must be a matter of evidence when the subsequent adjudication takes place 15 years hence.

3281. If the improvements which had taken place up to the adjudication were included in it or noticed, then, of course, nothing could be added to them. It would be known, you think, that any improvement additional to that was made subsequently?

It would; but considering the manner in which the attention of both parties is drawn to the necessity of preserving evidence of subsequent improvements, there could be no difficulty about it; and the estate book, or the account book, on either side would be the proper way for each party to retain their evidence for the next adjudication. There would be a certain period behind which no evidence would be gone into, because any improvements made up to that time would have been included in the deduction from the gross to the net value of the holding when the fair rent was previously arrived at.

3282. Do the Sub-Commissioners, in their notes, take any note of the improvements which have been brought before them?

I apprehend they do. It is their duty to take fair notes, such as any judge would be expected to take in hearing a case. The directions on that subject were, I think, handed in to your Lordship.

3283. In practice, have you observed whether their notes contain a record of the improvements?
I never saw their notes.

3284. Marquess of *Salisbury.*] Do not they send their notes up to you?
No.

3285. Lord *Tyrone.*] Then, we may suppose that the notes will not be forthcoming in 15 years?
I think you may safely take that for granted. Probably if they were forthcoming they could not be read.

3286. Earl of *Pembroke and Montgomery.*] There is another question in regard to what you said just now. It seems to me that, if when you are trying a holding 15 years hence you are going to take the gross value of the tenants improvements as now recorded as a basis from which to start, it would work very unjustly, because the improvements, which are very properly allowed for now, would be absolutely exhausted at the end of 15 years, would they not?
Yes; it is open to that observation, and I think it is a just observation.

3287. Lord *Brabourne.*] Still we get this, that there is no record, either in your office or in the Sub-Commissioners' office, of any improvement on any particular holding on which a judicial rent is fixed now?
That is so. There is no record beyond what appears upon these documents I have before me.

3288. In 15 years, you would again have the same conflict of testimony between the landlord, and his tenants, and the witnesses, as you have now?
I do not quite concur in that way of looking at it. I do not think there would be the same conflict of evidence. In point of fact, I do not think the matter ought to be re-opened after the 15 years.

3289. How would you prevent it?
It could be at once said that the adjudication here has taken all the antecedent improvements into account. If it could be shown that there had been recent improvements effected by the landlord, the landlord would, of course, have the right to get credit for those in fixing the new rent.

3290. Suppose a tenant comes and claims improvements as having been made in the year 1882 or 1883, and the landlord says "No, they had been made before"; if you have no record to show that they had been taken into account before, how are you to deal with it?
The tenant coming forward 15 years hence, and saying they were made in 1883, would be bound to show, (or the landlord would if he were claiming them), affirmatively that they were so made, and made at his expense.

3291. Duke of *Norfolk.*] Then there would be the same conflict of evidence, would there not?
As regards facts subsequent to 1881, we will take it that it would be so.

3292. Lord *Tyrone.*] Would not that make another block in the Court in 15 years' time, or would it not be calculated to do so?
I hope in that time people will have the sense to settle these matters.

3293. Then it is a mere matter of hope?
No; it is more than that.

3294. *Chairman.*] We will come to the blocking in the Court afterwards; I should like to ask you this: with reference to the right of appeal, do you consider that a fortnight is a sufficiently long time?
We have found it to work very well, but we have extended the time whenever anyone has asked in ordinary cases. A gentleman will come up, and say, "We have overlooked the time for appealing; will you give us leave to appeal;" and we say, "certainly."

3295. That requires an application to be made?
It does.

3296. And does it require notice?
No.

3297. Do you give the leave to appeal *ex parte*?
Yes.

3298. Without hearing the other side?
In the case of appeals from Sub-Commissioners' decisions, certainly; we have never thrown any difficulty in the way, and have not found any complaint made with regard to the fortnight.

3299. Marquess of *Salisbury.*] Have you had many applications after the time has elapsed?
I do not think there have been more than a dozen of them.

3300. How many of those have been refused?
None, I believe.

3301. *Chairman.*] There has been some question as to whether your rules provided for it; is it done under a general rule, or is it done under your general authority?
It is under our general authority, I think.

3302. What is the practice where an estate is being sold now in the Landed Estates Court; do you give any priority to applications to fix a fair rent on an estate of that kind?
Yes; we would take those cases out of their turn, if I remember rightly, there was an application of that kind in one instance.

3303. As to notices, to third parties, of an application to fix a fair rent, is any notice required to be given now to a mortgagee or to a head-landlord in the case of a middleman?
No, we do not require a notice to be given; without our attention being called to it, we have no means of knowing it.

3304. Of course you have no means of knowing it, and there is nothing in the rules which provides for the notice being given?
No; nor to incumbrancers either.

3305. My question included mortgages?
We cannot undertake to give notice to incumbrancers. We have had applications from both mortgagees and annuitants, who represented themselves as the substantial owners of the estate by virtue of their incumbrances, and with a right to intervene; and they have a right to do that under the rules.

3306. Did they intervene?
Yes.

3307. And they were heard?
Yes; we have also had some cases where parties intervened under the 21st section; that is the lease clause.

3308. Marquess of *Salisbury.*] Have such applications as those to be brought before you in open Court, or do you take them as a matter of general business?
An application of that kind is Court business, but if the Court is not sitting, and any gentleman comes to the office with an application of that kind, which may be a matter of urgency, the registrar generally comes up to one of our rooms, and we make the order then and there for him.

3309. That would apply to applications for leave to appeal also, I suppose?
It would; I have done it myself in chambers.

3310. *Chairman.*] In the case of a tenant for life with a leasing power, and the power is to lease at the best rent that can be obtained, is any notice given to the remainder men?
In regard to leases, the tenants have no right to apply to us at all, except to set aside the lease.

3311. I refer to a case where there is no lease actually made, but where the

proceedings in the Court would have the effect of creating a holding for 15 years; suppose there is a tenant for life with a leasing power, and that power is to be exercised by obtaining the best rent that can be obtained, do you consider the tenant for life in that position represents all the interest?

Yes, we do; we deal with him as the owner of the inheritance for the purposes of the Act; that is, for fixing the fair rent.

3312. It has not come to be decided yet, I suppose, whether the remainder men can interfere?

That is so; with regard to judicial leases or fixed leases, it is otherwise, because there the remainder men get notice.

3313. Where the parties by arrangement propose a judicial lease, you mean?

Yes, because that extends over 60 years and upwards; but as regards the statutable term it is not so.

3314. You were speaking just now about the block in the Court; what is the present state of things up to the last information you have to give?

The figures are these. There have been disposed of altogether, up to the 25th March, 9,491 notices.

3315. Viscount *Hutchinson.*] That means both in and out of Court, I suppose?

Yes.

3316. Cases adjudicated upon and settlements, I suppose?

Yes; I will give you the figures. Up to the 24th February (that is a month ago) the numbers were 5,386.

3317. *Chairman.*] And how many have been disposed of altogether?

Now there have been disposed of 9,491. There has been a very large accession or increase of work, amounting to very nearly 4,000 cases in the month.

3318. To what do you attribute the greater ratio of decisions?

The days are longer; the men on the Sub-Commissions can work more confidently together than at first, when they were strangers to each other; and there is a greater disposition to settle cases.

3319. Is the increase in the settled cases, or in the cases decided in Court?

I will give you the figures as far as I can. Of the 9,491 cases there have been disposed of by adjudications 4,135; of these 4,135 rents have been fixed in 3,511 cases, the difference being those in which there were dismissals or and withdrawal.

3320. How many of those were before the 24th of February?

I am not able to state that. The rents fixed by way of agreement number 4,338, so that, in point of fact, the agreements have exceeded the adjudications.

3321. Marquess of *Salisbury.*] Those are cases, are they not?

They are.

3322. Have you got the values?

No, I have not.

3323. *Chairman.*] Are you able to say whether the increase of which you speak during the last month has been in the cases where there have been settlements, or in the cases which have been heard?

I think there has been an increase in both.

3324. Lord *Brabourne.*] Can you tell us the number of appeals?

Yes, I can tell you the number of appeals also. Up to 24th February there were 704 appeals, out of 2,365 decisions. That would be about one in three. Two in seven, I think, would be the exact proportion. Up to the 25th March there have been 1,097 appeals out of 3,511 adjudications, which is about the same proportion. Of those, we have disposed in Belfast of 52; we suspended our appeal proceedings then, pending the appeal from our own decision in Adams *v.* Dunseath. In five days last week in Dublin we disposed of 73 appeals, and there were 45 withdrawn. Altogether there have been 170 appeals disposed

posed of out of 1,138 cases; 64 of them were cross appeals, and therefore would not count; 38 of them had been from the County Court Judges, and not from our Sub-Commissions; that would leave the total number of appeals 1,036, out of which 170 have been disposed.

3325. *Chairman.*] Disposed of or withdrawn?
Of which 45 have been withdrawn.

3326. Marquess of *Abercorn.*] Did those appeals come principally from the tenants or from the landlords?
Principally from the landlords, in the proportion of four to one I think.

3327. *Chairman.*] Have you any information as to the circumstances which led to the withdrawal of so many as 45?
No.

3328. Were they governed by other cases?
They may have been, but we have no means of knowing. An appeal may be called on and the parties may say they have settled.

3329. Lord *Brabourne.*] That leaves about 850 to be disposed of now?
Yes, and we expect to get through those by the 10th of August.

3330. Duke of *Marlborough.*] Can you state the total number of cases on originating notices listed for hearing at the present time?
The number of cases on our books that had come in up to the 24th February, is 74,588; on the 25th of March there was an increase of 1,271 in the month, and, as I have mentioned, there have been disposed of 9,491.

3331. *Chairman.*] Was 1,271 cases the monthly summary for March?
Yes; there is a material falling off in the cases.

3332. What was the monthly number before?
I cannot give you that.

3333. Marquess of *Salisbury.*] One thousand two hundred was the number of your additional cases; what was the number of your additional decisions in the month of March?
About 4,100 were disposed of one way or another.

3334. That was not in March, but the whole up to the end of March?
There were disposed of between the 24th February and the 25th March 4,100 cases.

3335. Against 1,200 added to the list?
Yes.

3336. So that you are gaining on them?
Yes; we expect to increase the ratio very much during the next 17 weeks by having the additional four Sub-Commissions which the Government have now given us, and by the lengthening of the days, and also by the increased knowledge which has been gained of working the business.

3337. Do you know how many tenants in occupation in Ireland are subject to the fair rent clauses?
I have no actual knowledge, but I can speculate upon the probability, and I should say about 75 per cent of the whole; that would be about 380,000 holdings.

3338. *Chairman.*] I suppose you are of opinion that it is desirable, if it can be done satisfactorily, that as many as possible of these cases, where the originating notices have been served, should be arranged by settlement?
We are most desirous for that, and forward it in every possible way.

3339. Complaints have been made to us that the parties do not know on what basis to settle; that they do not know on what principles the Sub-Commissioners proceed in exercising the task assigned to them, and that if they had some further knowledge of that they would be able to settle out of Court very much more easily; what is your opinion upon that point?

I do not concur in the suggestion. I think they know perfectly well the general principles as far as they are capable of being defined. Of course where there is a strong feeling in the district resulting from social and political matters altogether outside the contention, cases will not be settled. The tenants are not allowed to settle in some districts where the landlords are willing to do it. Landlords are not willing to do so, perhaps where the tenants are willing to do it, and those are conditions which no adjudication of a Court can very much influence.

3340. It has been stated in evidence to the Committee that there were many persons, to the knowledge of those who were giving evidence, extremely anxious to settle, but that they were embarrassed as to the mode of settlement they should arrive at, because they were not aware of the principles upon which the Sub-Commissioners had decided or would decide if their cases came before them?

I think if the two parties are disposed to a settlement (and you must have both parties disposed towards settlement before you can settle), they would have no difficulty in settling the principles between themselves.

3341. In what way does it occur to you that they could ascertain the principles on which to act?

I do not think it could be defined; it depends upon a number of various conditions, and even feelings and sentiments that must exist between the landlord and tenant. If they are disposed to settle they will yield to a settlement; whereas if they are not disposed to settle, except on adjudication, they will determine to have it on either one side or the other. Some tenants are very jealous of their landlords, and in other cases landlords are in turn suspicious of their tenants.

3342. That may cause a difficulty in the parties coming together and agreeing upon the same thing; but suppose you have agents and others, who tell you that they cannot, in their own mind, determine upon what is a proper proposal to make, not knowing the principles upon which the Sub-Commissioners go; what would you then say?

I think they have the principles laid down, generally speaking, in the Act of Parliament as well as any Commissioner could lay them down; that is to say, they are to have regard to the interest of the landlord and the tenant respectively, and determine what is a fair rent. Landlords ought to be able to apply that, at all events.

3343. Do you consider that a definition of principle; is not that merely a statement of what they have to do?

Yes, it involves both I think. It is very difficult to lay down the principle. The principle, I presume, is the doing of what is fair and just, according to the terms of the Act of Parliament.

3344. Have any of the Sub-Commissioners in any case attempted to define the principles on which they were deciding?

I am not aware, excepting from the public papers, that they have specified more than we have done ourselves, the principles upon which we arrive at a conclusion. It is almost an impossibility to extract a principle applicable to every case. They must deal with the cases each upon their own merits, and apply the Act of Parliament upon the evidence, which varies in almost every case; and I do not think it would be competent to any man either to lay down a rule or extract a principle beyond the general one laid down in the Act of Parliament.

3345. In proceeding to determine what is a fair rent, do the Sub-Commissioners themselves, or any of them, act as valuators?

They decline to call themselves valuators or valuers, but they hear the evidence, and then they look at the farm, and form their own judgment, applying their knowledge, regulated by the evidence, to the facts of the case.

3346. Do you mean that they depend upon the evidence which is given before them, and not upon what they see?

No; I think they disregard a great deal of the evidence that is given before them by reason of what they see; and in that way they combine the character both

both of valuers and judges. They are more like a view-jury, taking the law, or the rejection or admission of a particular fact, from the judicial colleague?

3347. If that is so, what is the reason why, as we are told, on viewing the land, one of the Commissioners does not go with them?
The two laymen, I understand, always go together. The legal gentleman is not there for his technical knowledge in regard to land, but for his technical knowledge with regard to law.

3348. If they go to correct the evidence by what they see, would not he be the person of all others to do that, from his knowledge of law?
No; the object with which they go is to examine the soil, to examine the aspect of the holding, and to see what condition it is in; whether it has been deteriorated or improved, and the condition of the fences, and in that way to check the evidence which is, in many instances, very unreliable with regard to value.

3349. You say they go to check the evidence; but how is it that the person who is supposed to know most about the evidence, that is, the legal member, does not go to assist in checking the evidence?
They do not take evidence on the holding; it is only the evidence of their own eyes.

3350. For the purpose of checking the other evidence?
Yes; the other evidence has been already given and probably checked where it required to be checked.

3351. Then the legal member has not got the power of checking the evidence by what he sees?
No.

3352. And the other two have that power?
Yes, that is so.

3353. So that the two sections of the court are determining upon different *data*?
It does not occur to me that that is so. In one aspect of it that view may be urged, but having heard the evidence, and having had it explained to them by their judicial colleague that they ought to exclude certain statements on one side or the other, they then go to see what the actual value of the holding is in their own opinion, and then they discuss it altogether when they get home, I presume, and the Sub-Commissioner has his notes before him and gives explanations and points out what is the proper course to take, and they so arrive at a result which they deem to be the true one under the circumstances of the case.

3354. Have the Chief Commissioners themselves, in any appeals before them, viewed the holdings?
No; in no case.

3355. Have they in every case sent valuators?
Yes.

3356. Marquess of *Salisbury*.] Have you before you, in deciding an appeal, the evidence or impressions of the lay Commissioners of what they see upon the farm?
No.

3357. The whole value of those impressions are then lost in the re-hearing?
Yes, we re-hear the case. We allow additional evidence to be given; we do not restrict the extent of the evidence, and we have, in addition to that, the confidential report of our own valuer. I have brought over one of those reports for your Lordships to see. It is given on a printed document which gives the townland and the area of the holding in Irish and English acres in some cases, the rent and other particulars.

3358. *Chairman.*] These documents were, I believe, handed to the parties, were they not?
They were.

3359. There is nothing private in them?
No, there is nothing private in them. That is the complete file of a transaction which ended in an appeal. (*The documents are handed in.*)

3360. Lord *Brabourne.*] If land is deteriorated by bad farming, and the farm has become a bad holding, is that taken into account in fixing the rent; and is a lower rent fixed on that ground?
No, it is rather the other way, I think; a man who has deteriorated his holding by bad farming, gets no sympathy at all.

3361. Is his rent raised?
I do not say it is raised beyond the actual rent he is now paying, but it is quite possible it might be.

3362. Lord *Tyrone.*] Even if the land was so deteriorated as not to make it worth the money?
I think so. We would regard a man coming into Court under those circumstances as entitled to no favour, and, probably, what would be done would be to say, "You must stay as you are; we will give you no relief"; because we have a right to refuse any application, having regard to the conduct of the parties.

3363. *Chairman.*] Who is the gentlemen who signs this report?
Mr. Gray.

3364. It seems a very business-like and detailed report, and points out the different things that he had to consider?
Yes.

3365. What would be the difficulty, may I ask, of the Sub-Commissioners putting their views on a document of that kind? If Mr. Gray can do it, would there be any difficulty in the Sub-Commissioners doing it?
I am not prepared to say that there would be any difficulty or objection to their doing so; I think it is worth considering; I would not like to say what might occur to Judge O'Hagan, or to Mr. Vernon, but it does not occur to me that it would be very difficult.

3366. Would it not be very beneficial in promoting settlements out of Court to say that those were the matters that they attended to in one case, and would attend to in similar cases that might come before them?
I am not prepared to say that it might not be a reasonable course to adopt; I think it is worth considering.

3367. Lord *Brabourne.*] They would be able to do it, would they not?
Yes, I should think so.

3368. They are men sufficiently competent to do it, are they not?
They ought to be.

3369. Some of them are men who are occupiers of land themselves, are they not?
Yes; I am quite sure that the Sub-Commissioners would make no difficulty about doing it if they were asked by us to do it.

3370. Duke of *Marlborough.*] I suppose you consider that you are proceeding tentatively?
We are feeling our way, and very often altering our practice. If we get a good suggestion we adopt it.

3371. You mean that you are quite open to conviction?
Quite open.

3372. If you saw the advantage of proceeding in any such way as indicated, you would do so, would you not?
We should only be too happy to take the suggestion of any gentleman.

3373. You would feel yourself quite at liberty to adopt such a suggestion, would you not?
Quite so.

3374. Is there any means in determining the value of the farm; of ascertaining the fact whether it has been deteriorated or not; can it be ascertained whether the tenant has been unduly cross-cropping his farm or not?
The evidence very often goes in that direction. A man will be cross examined by his landlord as to what he has done with his land; how many successive seasons he had meadowed it without manure, and so on; and the Sub-Commissioners who have to inspect it see whether it is so or not.

3375. But there is considerable difficulty, is there not, on looking at the ground at any particular time, of seeing whether that ground had been cross-cropped or not?
Yes, but a gentleman acquainted with land ought to know whether it is run out or not.

3376. From your knowledge of the character of the Irish tenantry, would you not consider it very likely that, while these decisions are going on, they would endeavour to deteriorate the value of the land by cross-cropping in order to show that their farms are in a less valuable condition than they might be?
In a very few instances I think that might happen. I have heard it stated that there have been cases of the kind; but I do not know that there is an authentic case in which a tenant has deliberately injured his land with a view to the decision of the Sub-Commissioner.

3377. Viscount *Hutchinson.*] He would not yet have had time to do it, would he?
He would not have had time to do it. I have heard it suggested, but I do not know that it is correct, that some people have been found pulling down fences and making the farm look in a dilapidated condition with a view of making it look worse than it really is; but I do not believe it.

3378. Duke of *Marlborough.*] Considering the time which elapses before the cases already listed will be heard, there would be ample time for the tenant to do so, would there not?
I should hope they would be all heard within 12 months.

3379. Is that your expectation?
Yes.

3380. Do you expect that the cases now listed will be either settled out of Court or determined judicially within the 12 months?
I should think so.

3381. 74,000 odd cases?
Yes, I hope we will have 30,000 of them disposed of before the 10th of August.

3382. Lord *Tyrone.*] You seem to say that there is no difficulty in finding out whether land has been deteriorated or improved lately?
Yes.

3383. With regard to the deterioration of land, are you aware that we have it in evidence from Mr. O'Brien that there would be the very greatest difficulty in finding out that very fact, or that he himself would have the very greatest difficulty in doing so?
I do not know. Mr. O'Brien ought to be a very much better judge of land than I am; but I think if I walked over a farm, even I would find out indications of a deterioration. I know something of farming. I farm some 500 or 600 acres myself, but I do not profess to understand the subject scientifically.

3384. Viscount *Hutchinson.*] As to this paper of Mr. Gray's valuation, can you tell me how far it is a confidential document, and how far it is a public document?
I consider it is a public document now.

3385. But I mean in court, how far is it confidential?
In court it is confidential in this sense that up to the time of the evidence being closed we do not give it to the parties.

3386. *Chairman.*] It was decided, was it not, in some cases in the North, on argument, that the court, would give the document to the parties, but would not allow their own valuer to be cross-examined upon it?
Yes, that is so. Our first intention was not to allow it to be seen by the parties at all. Then we thought that was unreasonable and it was argued before us, and then we decided we would give the document to the parties, but not before the evidence closed, because they would direct all the evidence to the valuator's report, and we should not like our valuator to be cross-examined because that would at once destroy the value of his report.

3387. Viscount *Hutchinson.*] The reason why I asked the question was because I see here "other improvements alleged." Possibly the production of this report may be the first time that the landlord or his counsel may have heard of such allegations?
It may be so.

3388. That you admit is perfectly possible; but what would be your procedure in that case, supposing the counsel for the landlord stated that No. 1 drain was not made by the tenant, and that it was the first time that he had heard of any such claim for such-and-such a drain being made?
I have no objection to tell your Lordship what probably I would do. I would first hear the evidence, and if no evidence were addressed to that drain during the course of the case, I would reject any idea of that drain being made by anybody so far as it affected the result. On the other hand, it would be open to me, reading that document, and hearing the evidence given, to put the question, "What about this drain"? and if I found there was not a drain there I would give the opportunity to the landlord to cross-examine on the spot.

3389. We will suppose the drain is there, and that it is merely an allegation that he made it?
Yes.

3390. *Chairman.*] I suppose one of the objects in handing a document like that to the parties is, that they may observe to the court upon any departure which has inadvertently occurred from the evidence?
That is the object.

3391. Viscount *Hutchinson.*] But the case is practically closed then, is it not?
Yes, we would not allow fresh evidence to be given upon that subject.

3392. Marquess of *Salisbury.*] But you would allow speeches?
We allow speeches, but we make them as short as possible

3393. Lord *Tyrone*] If it is necessary, as you say, for the Sub-Commissioners to go and look at the land for the purpose of seeing whether they may place faith in the evidence or not, and as you say, that the Chief Commissioners re-hear the cases entirely, why is it not necessary for the Chief Commissioners to go and inspect the land for the same purpose?
Because it would be impossible.

3394. If it is necessary in one case, why should it not be necessary in the other?
Unless you were to have 36 Chief Commissioners it would be impossible.

3395. Marquess of *Salisbury.*] What is the origin of the Sub-Commissioners going on to the land to inspect for themselves. Was that originally done under your instructions, or has it not rather grown up afterwards?
No, that was the original idea of the Bill in passing through the House. The suggestion was first that the county court judge was the proper person to do it. I myself have every confidence in the county court judges in Ireland; but the feeling that was desired to be met was a feeling to have a tribunal which was not composed of a single gentleman who was, generally speaking, a mere lawyer,

lawyer, but also to have practical associates. The county court judges objected to have associates who should have an equal voice in a decision; and then sprung up the idea of having a tribunal to fix fair rents involving the former element. Then it was manifest that they could not construe the Act of Parliament, and that they would be admitting all kinds of illegal evidence, and the natural result was that they should have some guidance, and then the constitution of the tribunal was fixed upon.

3396. Viscount *Hutchinson.*] Then the objection I understand came partly from the county court judges?

Some of them objected by correspondence with me when I was in the House.

3397. Is it usual in all these valuations to describe the physical capacities of the tenant?

No, I think Mr. Gray remarks that the tenant is an infirm old man in that case before your Lordship; I have a further example, if you would like to look at it, of another gentleman's report. That is the report of Mr. Russell, another valuer.

3398. *Chairman.*] I thought that the Chief Commissioners had had no valuers except Mr. Gray and Mr. O'Brien?

Mr. O'Brien is not a valuer. We have five valuers now; Mr. Gray is the chief, and there are four others.

3399. Marquess of *Salisbury.*] Is not that arrangement of the Commissioners going upon the land, rather an anomalous mixture of the functions of a witness and a judge?

It is more like a view-jury, which is a very common thing. They are the judges of the fact and they go to see the premises. I do not think you would find it satisfactory to the tenants if they did not go; they are extremely anxious to get gentlemen to go and see their holdings, and be able to point them out. It satisfies them, and I think they place more value upon the fact of the Sub-Commissioners going to look at the holdings and seeing for themselves, than they would upon any amount of evidence.

3400. Then I suppose the legal Sub-Commissioner does not attempt to form an opinion upon the farm?

Not upon the question of the value of the land.

3401. So that it is entirely handed over to the two lay Commissioners?

It is upon that technical point.

3402. And I suppose they practically receive a good deal of the evidence upon the ground from the tenants themselves, do they not?

No, they are instructed not to do so.

3403. Lord *Tyrone.*] Is the valuer attached to the court of the county court judge appointed by the Commissioners?

There are no valuers attached to the court of the county court judge. The county court judges have the same power that we have, and that our Sub-Commissioners have, namely, that of appointing a valuer for a particular case, and charging the parties with the cost. That has been found not to work. In some cases the landlord will not consent to contribute to the nomination of a valuer, and the tenant perhaps will not consent in others. The county court judges therefore have no power to appoint valuers practically, because they cannot get the parties to pay the costs, and do not like imposing the cost upon them. Then they have sometimes applied to us, and we have lent them our valuers. We have got the consent of the Treasury to appoint gentlemen who are attached to our Commission, and they are our appointments. They are not Government appointments. They are at present occupied in going over various parts of Ireland, Kerry, and Cork, and Kilkenny, valuing in the appeals that are coming on before us. They take their maps with them, and they set to work, and have those reports ready for us on hearing the appeals. When they are not employed in that way we lend them to the county court judges.

3404. *Chairman.*] How do they deal with the question of improvements in valuing for you?

According to the instructions in the document before your Lordship. They just take the farm as it stands, excluding the buildings, and give us any information as regards the improvements that are apparent, such as drains that are open and running, and things of that kind.

3405. They leave the question open?

They leave the question open.

3406. Lord *Brabourne.*] Should you have any additional evidence in a case of this kind, "alleged drains, Nos. 5, 6, 7, 8, and 9, not visible on account of two or three feet of water in the ditches, and those being choked with weeds"?

Yes, it is extremely probable that evidence has been already before us with regard to the particular matters referred to in the report, and we often take the opportunity or advantage of turning the evidence in that direction.

3407. Lord *Tyrone.*] What instructions do the court valuers, who value for the county court, receive?

None from us.

3408. Of course you are not aware of what instructions are given to them?

No; the county court judge would say, "I have 300 or 400 cases for my next session; can you spare a gentleman to come down and value for me," and we send one down.

3409. *Chairman.*] As to the question of mensuration and acreage, have you practically found any difficulty about that?

No, I think not.

3410. Not when it came before you?

No; if the originating notice, which is required to state the area, is found not to be perfect, we have, of course, the Ordnance Survey, which is not necessarily accurate, though very accurate indeed, as a rule. Then, if the parties agree, we alter the amount in the originating notice, so as to get the right acreage stated in it.

3411. We have had a great deal of evidence as to what happens before the Sub-Commissioners upon that point, as to which it is said there is a great deal of difficulty experienced, and a great deal of controversy?

It has not come before us.

3412. People appear in Court on the part of the tenants, it is said, and depose to value who are not competent measurers?

I have no doubt there is a great deal of evidence offered that is of very little value.

3413. And you agree, as I understand, that it is material that the mensuration should be accurate, because, as you know very well, different parts of the farm are of different value?

Yes.

3414. There must be a mensuration even of fields in order to give you the acreable value?

Practically, I do not think it would operate with any very great disadvantage. I do not think there is any very substantial difficulty about that, so far as it has come under my notice.

3415. It has not probably come before you; but we have had some evidence before us from which it would appear that the matter is adjusted by dividing the point in difference between the two parties?

I do not know that that course would be adopted, unless it were done by consent. There have been cases in which the landlord would say there are 135 acres in that holding, and the tenant would say there are only 133; it might so happen that the roads would account for the difference, and very often they concur in saying "let it be 134 acres."

3416. How many Sub-Commissioners are there altogether, at present?
Thirty-six; 12 Sub-Commissions of three Commissioners each.

3417. And now there will be 48?
Yes.

3418. Where the Sub-Commissioners who have hitherto been appointed, appointed on the recommendation of the Chief Commissioners?
I will not be able to go into that very deeply with your Lordship. Mr. Forster was good enough to consult us upon the appointments, but outside that statement I cannot go. Anything that took place between Mr. Forster and ourselves is, of course, confidential; at least, it is confidential so far as I am concerned.

3419. What were the qualifications required of the Sub-Commissioners?
Those were defined by the sixteenth rule, "barristers, solicitors, and persons possessing a practical acquaintance with the value of land in Ireland shall be competent to be appointed to the office."

3420. The term "barristers" and "solicitors," of course, speak for themselves; their qualification is sufficiently wide; in point of fact, was there any personal test or examination resorted to?
Not that I am aware of.

3421. Were there any instructions given to the Sub-Commissioners by the Chief Commissioners as to the course they were to take in making their valuations and fixing a fair rent?
I can hardly say "yes," and I cannot say "no"; there were no verbal or written instructions given to the Sub-Commissioners, with the exception of a document which I have here, and a conversation with ourselves before they entered upon their duties.

3422. If the document is one already put in we will not trouble you about it?
I think it was put in.

3423. There was one document about receiving hospitality; is it that to which you refer?
It was in that document, and that was the only document given to the Sub-Commissioners.

3424. That was in addition to such verbal instructions as you gave them?
"Verbal instructions"; they were not instructions, they were general conversations upon the nature of their duties, and the way in which they were to perform them; that is to say, they were told that their duties were to ascertain fairly and honestly between the two parties the fair rent, according to the best of their judgment and ability; the conversations were not in the nature of instructions, but rather by way of information; we deliberately abstained from giving instructions.

3425. Marquess of *Salisbury.*] You specially called their attention to certain points, or certain subjects, I suppose?
We told them that they were to act in the character of judges; they were not partizans; they were to hear the evidence; they were to lean neither to the one side nor the other, but honestly and conscientiously to do their duty to the best of their ability and judgment.

3426. Earl of *Pembroke and Montgomery.*] You did not instruct them in any principles upon which to arrive at a fair rent, did you?
No, we did not; we gave them the Act of Parliament and told them that their knowledge of the subject was such as to enable them to carry out the principles of the Act in an honest and straightforward manner.

3427. So that, practically, they might adopt any principles of valuation that they liked so long as they were consistent with the provisions of the Act?
So long as they were consistent with the provisions of the Act; the great difficulty would be to secure that result.

3428. What would prevent one Sub-Commission saying, "We will make a

produce valuation, and the landlord's rent shall be a quarter of it;" and a second Sub-Commission saying, "We will do likewise, but the landlord shall have a third;" and then a third Sub-Commission saying, "We will have regard to what a solvent tenant would pay, but we will fix the occupancy rate at a fifth;" and a fourth Commission, saying, "We will have regard not to what a solvent tenant will pay, but we will fix the occupancy rate at a fourth;" as long as they were all conscientious and had regard to the provisions of the Act they would all be within their rights in doing that, would they not?

If you put the case as a supposititious one, and suppose they are all conscientiously carrying out their duty, I have no reason to quarrel with the result; that would be set right on appeal. The parties would have their right of appeal if the Commissioners had gone wrong, but if they have followed out the principles indicated by the Act they are doing their duty.

3429. If no principle for fixing fair rent is laid down for them how is there to be any uniformity at all; why should not each Sub-Commissioner lay down a principle for itself in the way that I have suggested?

Gentlemen who have a knowledge of land will generally value in the same way from their own experience.

3430. Lord *Brabourne.*] If they would be set right on appeal does it not follow that there is some general principle guiding you?

No; there is a uniformity of principle. The case put to me by one of your Lordships is four separate Commissions going upon different lines as it were. We as a superior Commission go only upon one line; it may happen that our line may be quite as false as theirs, if it is false.

3431. *Chairman.*] If they do not give any reasons in public, and no reasons that we know of in private, how are you to set them right if they go upon the wrong line?

We cannot set them right upon principle, but we may set them right as to the result.

3432. How can you set them right as to the result?

We can correct the result by ascertaining the value according to the uniform principle upon which we act.

3433. Then, do I understand you to say that the Court of Appeal look upon the question of value as if it were a matter freshly brought before them for their decisions in the first instance?

We do. I would like to qualify that by saying, if the amount of difference was extremely minute and worthless in our judgment, we would not vary from the decisions of the Sub-Commission.

3434. You mean upon the principle *de minimis non curat lex?*

Yes.

3435. Lord *Brabourne.*] If you would set them right upon the uniform principle on which you act, would it be so very wrong to let them know in the first instance what uniform principle they should act upon?

That may be so; but it is extremely hard, as I said before, to define a principle in this particular subject matter which would extend to, or be applicable to, every case. I do not think it is possible to do it.

3436. Marquess of *Salisbury.*] You have made no attempt in that direction, in the conversation that you had?

No; we had no suggestion of the kind before us.

3437. Lord *Brabourne.*] Is it not rather hard upon the inferior Court to have no suggestion as to the uniform principle which guides the Court to which appeals from their decisions would go?

If we believed it possible to lay down a principle which might be applied without danger to all cases, we would lay down a principle; but we do not consider that we could formulate any principle which might not lead to great injustice.

3438. *Chairman.*] And you found 36 men cheerfully willing to go through the

the country, without any principle to guide them, to settle rents on their own judgment?

I think that is not quite what I intended to indicate.

3439. Lord *Brabourne.*] You have a uniform principle upon which you act, but which is not a principle capable of being imparted to the Sub-Commissioners; is that what you mean?

I do not put it in that way, I do not say that we have a uniform principle that we apply to all cases, but we have a principle that we try to apply to all cases in order to work out a uniform end.

3440. Lord *Tyrone.*] Have you come across any divergence of action on the part of the Sub-Commissioners sitting upon the same Sub-Commissions?

You mean difference of opinion between the members of the Commission?

3441. I do not mean difference of opinion, but difference of statement. For instance, I could give you two cases in point, one about costs and the other about a valuation; one Sub-Commissioner stating that he would give his reasons for his valuation, and another Commissioner, on the same Sub-Commission, stating that he would not give his reasons for his valuation?

It may be so, but I am not aware of it. I do not read the Sub-Commissioners' statements.

3442. Can you not say whether such things have come before the Chief Commissioners?

They have not come before us as a matter of business.

3443. Marquess of *Salisbury.*] Professor Baldwin has on more than one occasion stated he was acting upon some principles; you do not happen to know what they were?

No.

3444. Lord *Tyrone.*] With regard to my former question, would not the fact of starting the Sub-Commissioners without any fixed idea and principles be likely to produce the results I have mentioned?

The results which your Lordship lately referred to would seem to be very natural results as regards any tribunal or any number of tribunals; gentlemen will differ and probably sometimes foolishly express their views, or refrain from expressing their views.

3445. On the occasion to which I allude they did express their views?

They have not come officially before any of us to my own knowledge.

3446. Marquess of *Salisbury.*] May I ask, with respect to the conversation which has been spoken of, whether it was conversation of three with three, or three with 12?

The conversation was with the first 12 gentlemen appointed. We sat round the table and asked each gentleman what his opinion of fair rent was. It took place conversationally in that way. They each stated their view, and we had a general conversation as to the principle upon which the rent ought to be ascertained.

3447. Then they did attempt to formulate what it should be?

These gentlemen gave us their notions of it.

3448. Is that confidential, or may we ask what it was?

I could not undertake to repeat the views of 36 gentlemen.

3449. Lord *Brabourne.*] Suppose one had given what you considered a most preposterous idea of fair rent, you had no power to remove him?

No, we rather smiled or laughed at it.

3450. But the landlord on whom he adjudicated would not smile?

We would say, "That requires some little consideration;" and he would probably say, "Well, I see that my observation may be answered." It was a general conversation, more for the purpose of educating one another, and for the purpose of seeing how we would allot these gentlemen to different districts, because that duty devolves upon the Chief Commissioners.

3451. Marquess of *Salisbury.*] Were any of the suggestions they made of an arithmetical character, such as that the rents ought to be reduced 20 or 25 per cent.?

No, nothing of that kind took place. If I understand the point of your Lordship's question, there was nothing at all in that direction; we would not have listened to it for a moment if there had been.

3452. Lord *Brabourne.*] We cannot judge of the education, then, by the results?

We do not pay them by results.

3453. Duke of *Marlborough.*] Have you any idea whether, in the process of their experience, the Sub-Commissioners are at all modifying their views or principles?

I rather think they are gaining experience and modifying their action in some respects.

3454. Judging from what you can observe as to the result of their decisions, compared with what their expressed opinions were when you first had this conversation with them, which you allude to, that is the result?

Do not understand me as saying that they expressed opinions; I would rather not put it in that way. It was a conversation in which we sought to educate each other, we wanting to know their views with a view to regulating our own conduct in sending them to one district or another. We inquired as to their experience in one part of the country, or another part of the country, whether their own connection with land was in tillage, or in pasture, and so on, with a view that we might elect a gentleman suitable to the district to which we proposed to send him.

3455. *Chairman.*] Was it the Chief Commissioners who determined which Sub-Commissioners should go to each district?

Yes, we determined that.

3456. Was it also the Chief Commissioners who determined that the Sub-Commission should consist of one legal and two non-legal members?

Yes, I think so.

3457. Lord *Tyrone.*] For what respective periods are the Assistant Commissioners who now hold office appointed?

One year.

3458. Does that apply to all of them?

All, except the first four Commissions that were appointed.

3459. And those 12 gentlemen were appointed for how long?

For the whole seven years.

3460. And the rest are appointed for only one year?

The rest are appointed for 12 months.

3461. *Chairman.*] There has been no change made yet in the districts of the Sub-Commissioners, has there?

No, the circuits are just now running out. They will all have expired in this present week, and that Paper which I handed in to your Lordships shows the new circuits.

3462. Will they all be changed all over the country, or will you endeavour to keep as far as possible those who have gained information in a particular district, in the same district?

Yes, subject to certain limitations.

3463. Viscount *Hutchinson.*] But there will be a general rearrangement, I suppose?

Yes, I think so.

3464. Lord *Tyrone.*] I suppose you will retain the Sub-Commissioners together?

Not in all cases. The idea we work upon is this; where men have gained an experience

experience in a locality we desire to retain them in the same locality; but gentlemen on the Commission may have some special grounds (domestic or otherwise) for wishing to get nearer to Dublin, or more remote from Dublin, as the case may be. There may be also grounds such as the connections of a man or his relations in the county which would justify us in the removal; but the principle we act upon is to keep the Commissioners in the district they have become familiar with, and, as far as possible, to keep the men together who have become acquainted with each other.

3465. Marquess of *Salisbury.*] May I ask you whether, in your discussion as to fixing fair rents, any light was thrown upon the antecedent question of whether rents were supposed to be high in Ireland, or not?

No discussion took place upon that subject at all. We purposely avoided anything which could enter into policy or politics.

3466. Do I understand you to say that you did not enter into policy or politics at all?

We did not.

3467. Such matters as the advantages that the Land Act held out to the Irish tenant, and which Mr. Justice O'Hagan observed upon in his opening address, were not the subjects of your conversation at this meeting?

No.

3468. Duke of *Marlborough.*] I suppose one subject was agreed upon, namely, the course of action that was thought necessary and proper, and which has been alluded to here, I think, by you, that no details should be given as to the respective value of improvements on the value of the farm?

No; no questions of that kind were discussed, because at the start they took our directions. So far as furnishing them with forms and documents to fill up may be considered giving instructions, they got instructions.

3469. We know that the Sub-Commissions will not give reasons for their decisions, or apportion in any way the respective value of the improvements and the value of the farm; do I not understand that the furnishing of that information was agreed upon by the Commission, and that it was to be generally followed by the Sub-Commissions?

I do not remember that we had any discussion at all upon that topic. When we framed our rules and forms we came to the conclusion that the forms should be in the shape in which they were issued, and we issued them in that form, and it would be their duty to return them in that form, and fill them up as well as they could. Subsequently it came to our knowledge that there was extreme difficulty in ascertaining those proportions, and we thought we would dispense with that requirement; and then we considered it again, and it was mentioned in the other House that we would consider the matter with a view to getting that information.

3470. Marquess of *Salisbury.*] Mr. Godley told us you had occasion to inform the Sub-Commissioners that they had better not make speeches?

Yes.

3471. Was it on the occasion of the conversation spoken of that you did that?

No, it was subsequent to that; it was after some speeches had been made, I think.

3472. Viscount *Hutchinson.*] It was done by letter, I think, was it not?

Yes.

3473. Lord *Tyrone.*] Referring to the evidence you have already given, I understand you to say that the question of the tenants not being obliged to give information as to the improvements they are about to claim, is a sentimental grievance on the part of the landlords?

I think it is, in a great measure.

3474. Do you not think that it is almost impossible for the landlord's valuator to make a proper valuation without that information?

No, I think not; I think a valuer going upon the land will see what the improvements are quite as readily as if he had them scheduled, unless they were scheduled in greater detail than can possibly be given.

3475. Can he possibly tell who has made them?
No, he cannot.

3476. Therefore that would materially alter the valuation of the landlord's valuer, would it not?
It might, but I apprehend a landlord's valuer, and the tenant's valuer could make a valuation irrespective of who made the improvements. If it is necessary afterwards to regulate his result by the fact of whose improvements they were, such could be done.

3477. Then as to the hearing in Court, is it not very difficult for the landlord to produce evidence if he does not know what he is to rebut?
I think in the vast majority of cases in which these questions arise, either the landlord or his agent is familiar with the condition of the property, and knows already whether the improvements have been made by himself or his tenant. He can, at the very first moment, and without preparation; meet the case in most instances.

3478. Are you not aware that in Ireland the office books are sometimes very loosely kept?
Yes.

3479. I may say generally, may I not?
Yes, I think it is very likely they are.

3480. Under those circumstances is it possible for the landlord to say what his predecessor in title could have done?
No, it is not possible, but I think there is a great deal more made out of the matter than it deserves.

3481. *Chairman.*] Suppose there has been a change of ownership, either in the Encumbered Estates Court, or out of it, would the new owner have any knowledge of what had happened before his time?
He would not, but in dealing with improvements as regards houses and buildings they really affect the letting value to a very small extent. You will find that in the reports of our official valuers, as a rule they will put down on a large farm that the buildings have added to the value of the farm 8 *l.*, or 10 *l.*, or 12 *l.*, a year, as accommodation buildings. This may happen on a very large farm, perhaps of 350 acres. Dealing with the average run of farms, which is really what we have to deal with, the buildings are worth next to nothing. You would not put down 10 *s.* a year in respect of the rent of the thatched cabins which have, generally speaking, been erected by the tenants; if they have not been erected by the tenants it is not too much to ask the landlords to show that fact, and I think, looking at it practically, that there is a great deal more fuss made about improvements on the part of the landlords than they are really justified in making.

3482. Viscount *Hutchinson.*] Taking a case of a recent purchase in the Encumbered Estates Court, where there is no record of any sort except the mere document handed to the purchaser by the Court, how is it possible for the landlord to prove anything?
It is true it is not possible in such a case as that; but where there was anything upon the holding which would influence the rent to any reasonably appreciable amount, it is open to him to ask for the information, and he is certain to get it.

3483. Lord *Tyrone.*] That is by application to the Court, is it not?
Yes.

3484. To the Chief Commissioners?
First by application to the tenant, and if he is refused then by application to the Court, and if the tenant unreasonably refuses, the tenant will have to pay the costs.

3485. That is the rule laid down, is it, that the tenant will have to pay the costs?

That is the practice. There is no rule laid down.

3486. Do you think that that is universally known?

I have no reason to suppose that it is not. As I mentioned to your Lordships only 16 applications have come before the Court since the beginning of February. I could give you the names of the cases in which the applications were made if your Lordships cared to have them, but it is not very material.

3487. If the Court is prepared to grant the motion when it is applied for, is the fact that the withholding of the information places the landlord in a difficulty the only reason why the giving of it is not forced upon the tenant originally?

Our orders are made for universal application. The others are exceptional cases to which general orders would not apply. They are dealt with by exceptional action, and that exceptional action is the opportunity afforded to the party of coming to the Court and asking relief.

3488. *Chairman.*] I should like, with reference to that, to ask your opinion as to how this might be done. I quite follow your view about your anxiety not to apply to every case what after all may be only wanted in a small number of cases; but on the other hand, as we all know, an application by one man to another in the country, without any appearance of authority on the part of the Court, is not very likely to be attended to, might it not be worth consideration whether there should be a rule of the Court, pointing out the sort of general form in which the one side might apply to the other for this information, and allow it to be applied for upon a Court form in pursuance of that rule; then if they get the information, there is an end of the case, and that is all you want. Then that document is an authoritative document produced in Court. If on the other hand it is refused, then the application might be made as you have suggested?

I am not at all prepared to differ from your Lordship in that view. In point of fact an order made with regard to particulars was mistaken by many parties as a general order giving that authority. It was held that it did not apply to the case that we are now discussing, but was restricted to certain other cases; I am not at all prepared to say that it would not be a very fair and reasonable way of meeting the difficulty, if there is a difficulty, but I think the difficulty is overrated.

3489. Marquess of *Salisbury.*] What powers have Sub-Commissioners for keeping order in their Courts?

They complain of not having enough authority in that respect. The police have by a general order of the local authorities directions to attend and keep order, but the Sub-Commissioners themselves complain that they have no means of providing a crier for their Court, and the Treasury do not like to allow that expense.

3490. Have they any power of committing for contempt of Court if they are insulted by a solicitor or counsel?

Yes, certainly.

3491. I should like to ask whether you consider that they would have a case for interfering in the event of an attempt being made to create a feeling of disrespect against their authority?

Certainly.

3492. What would you say if a statement of this kind were made in open Court: "Well, I can only say, if this is to be the rule, and cases are to be decided ndependently of the evidence given in Court, and upon anything else than evidence, these proceedings are only a solemn farce;" would they have the power to commit under such circumstances?

That would depend upon whether the Court considered that it was a contempt which would prudently justify the exercise of their power. If I were a Sub-Commissioner sitting in a county town, I would bear a good deal before I would commit.

3493. In the hypothetical case put to you, would this statement move your feelings, "Oh, appeal, sir. I will never advise the poor tenant farmer to incur expenses in law courts. There is nothing for the farmer but to renew the agitation"?

I would say it was a very improper observation, but I would not commit. I am afraid I would be committing myself if I did.

3494. Do you not think that the fact that observations of this kind are made in the Courts of the Sub-Commissioners does tend, to some extent, to bring the jurisdiction of the Sub-Commissioners into disrepute?

It may, but the Sub-Commissioners, on the other hand, must make allowance. The Courts are not very superior Courts, and a great deal of license must be allowed in the matter of expression of feeling; I think it would be very unwise on the part of any judge, even in a Superior Court, not to make allowance for what suitors might indulge in in that respect.

3495. Would you not think that where the feeling was all on one side, it would impose upon the Court the necessity of being particular as to expressions of feeling?

I do think so, and I would go further and say that I would exercise our powers in a very summary manner in any case in which I thought the expression was calculated to excite feeling.

3496. Or to intimidate?

Or to intimidate.

3497. Do you not think exhibitions of that kind may have the effect of modifying the evidence which witnesses would otherwise freely give?

No, I think it is more an expression of temper than anything else.

3498. Supposing it were the case that any counsel or solicitor were to make use of the Court for the purpose of forwarding his electoral prospects, would you consider that a matter which the tribunal ought to check very peremptorily?

Certainly, I do think so.

3499. Lord *Brabourne.*] Have you turned your attention to the manner in which the evidence on behalf of the tenants is produced before the Sub-Commissioners?

I cannot say that I have as to the manner in which it is produced.

3500. Are you able to contradict the statement, or is it a fact that evidence of value is continually given by tenants of adjoining lands who have themselves cases about to come into Court?

I believe that is so. I have no knowledge of what has taken place before the Sub-Commissions, but upon appeals we have had that class of evidence.

3501. In your instructions to, or in your education of, the Sub-Commissioners, did you give them a hint that such evidence must be received with that caution which the evidence of all interested parties ought to be received?

No, I would have thought it more or less of an impertinence to give that instruction.

3502. You think they are so much above that instruction that they would be sure to disregard such evidence?

I think they would be sure to take it at its proper value; not to disregard it.

3503. If you see the only evidence on the part of the tenant is of that description, and that the reception of that evidence resulted in a very large reduction of rent, should you say that the Sub-Commissioners were men of such a character as not to be guided by such evidence?

In the results that the Sub-Commissioners have came to they have acted judicially; I cannot judge their motives in the result.

3504. Judging by results, is it, or is it not the case, in your experience of the decisions of the Sub-Commissioners, that there has been a tolerably uniform reduction

reduction of rents, whether upon high rented estates or moderately rented estates?

No, that would not be the conclusion I should draw from my knowledge of the decisions.

3505. Then do you dissent from the evidence which has been given to us, to this effect, that owing to the application of some principle or other not given by the Chief Commissioners, and which is not understood by the Committee and the public, the person who has rack-rented his land, and had a high rent, is very much better off, according to the decisions of the Sub-Commissioners, than the landlord who has let his land moderately?

If the fact be so it is perfectly accidental, I believe.

3506. If that has been stated to us by certain persons from different parts of the country who appear to be competent judges, may we not take it to be a fact, or do you think it is a mistake?

It is a fact undoubtedly that, looking at the average result of the decisions, there is a striking uniformity; but I believe that that is accidental. I do not believe it is arrived at by any arrangement or pre-concert, but has worked out in that direction by purely accidental circumstances.

3507. If the accident has been of rather wide application, the person who had let his land upon moderate terms would have more than a sentimental grievance, would he not?

Certainly, if it were more than accidental. I do not believe that the gentleman who has let his land on reasonable terms has had his rent reduced at all to the same extent as those who have rack-rented their land. I do not think such a thing is possible.

3508. We had it stated by one gentleman that his idea of the operation of the Land Act was this, that whereas large estates in Ireland were generally let at moderate rents, and that the high renting occurred upon the smaller estates, the larger estates would probably be taken as the standard, and that the smaller and higher rented estates, would be brought down to that apparently fair standard; was any idea of that kind mentioned in your educational conversation?

Never; but I rather take exception to your Lordship calling it an "educational conversation."

3509. Viscount *Hutchinson.*] Would it be possible from the records in your office to give any return of the cases where the rents have been fixed by the Commissioners, classifying them according to the time those rents have been in force?

No, I think not.

3510. There is no record of that sort kept at all, is there?

No. I would be anxious to have information of that kind if I could get it, to show the continuous lifting of rents within the last 30 years.

3511. Do you think information of that sort could be got?

I do not think it could be got.

3512. Do you think that it is the fact that during the last 30 years there has been a steady lifting of rents?

There have been numberless cases in which there have been four consecutive rises of rent within the last 40 years, or at all events since 1830.

3513. Has that been general?

I have had experience of it myself in the cases that have come before me.

3514. Lord *Brabourne.*] Upon large estates as well as small ones, do you mean?

No, I do not say the large estates. The large estates have not come before me, and I would apprehend that it is very unusual on large estates.

3515. Marquess of *Salisbury.*] Is it not the practice on many estates in England only to change the rents on the death of a tenant, and is not that the practice in Ireland?

In the north of Ireland, probably it is.

3516. You think it not general?

It is not general.

3517. *Chairman.*] Is it not more frequently the practice in the north of Ireland to charge the rents or re-value the estates after certain fixed periods, such as 20 or 25 years?

I am not aware of any rule.

3518. On particular estates that practice may prevail, and upon some of them may it not, you think?

It may be so. Mr. Bence Jones adopts the idea just suggested, that the existing rent terminates on the death of each tenant, and he has taken the opportunity of raising the rent of the holdings in several cases of that kind.

3519. Viscount *Hutchinson.*] Of course you are aware that one of the functions of yourself and colleagues and the Sub-Commissioners is to fix the specified value of the holding; has that ever come before you personally?

Yes.

3520. Have you had any appeals from the Sub-Commissioners upon it?

Yes.

3521. Is there any fixed principle in that?

That is a matter which is under discussion at the present time. There is considerable difficulty about it. The tenant is in a cleft-stick, so to speak, because the higher the rent the less the value, and the lower the rent the greater the value; accordingly it operates up and down, and they are very unwilling to give evidence themselves as to value. We have had evidence from the landlord's witnesses of the value of the holding, taking it at the judicial rent, and on that evidence we would be prepared to act. We have not adjudicated upon any case that was contested. Some cases were assented to; the specified value put upon it by the Sub-Commission was accepted by both sides. Another case is at present under consideration, because there is to be an argument upon the subject as to how far the section of the Act of Parliament is mandatory or whether the Court may exercise a discretion and decline to fix a specified value.

3522. Supposing you were called upon to fix a specified value, would you bear in mind more particularly the actual market value of the holding, such as the tenant might realise for it under the Act at the best price he could get, or would you take the average number of years' purchase?

I would rather not answer that question, if your Lordship pleases, because that will be probably the subject of decision; we shall have to consider what course to adopt.

3523. Still the fact remains, whatever you fix the specified value at; it is merely for the purposes of the landlord's pre-emption, is it not?

It is.

3524. If the landlord does not choose to exercise that right, the tenant has a perfect right to go into the market and sell it for what it would fetch?

He has.

3525. We will take a case; suppose that a tenant of mine goes and sells, in the open market, the interest of his tenancy, after offering me the pre-emption, and I do not buy it, and another tenant comes in, does the price fixed inure to the second tenant?

That is a matter of the construction of the Act of Parliament; if you do not take me as giving a judicial opinion, I would say I apprehend that it does.

3526–7. So that supposing "A.," the first tenant, realised 100 *l.* for the value of his farm in the open market, the specified value having been fixed at 60 *l.*, I might, when an opportunity arose, step in upon his successor and take the farm for 60 *l.*, plus any improvements that he had made?

I apprehend

I apprehend that that would be so if circumstances occurred in which the landlord's right of pre-emption came into existence.

3528. You say that that matter is still under consideration?
The construction of the clause which imposes the duty upon the Sub-Commission to find a specified value, is under consideration as to whether it is mandatory or discretionary.

3529. Marquess of *Salisbury.*] I suppose that would be a subject which would probably go to the higher courts?
It may.

3530. You have told us, with regard to particulars, that an application has to be made to the Court by the landlord in the event of particulars being required. Just look at the 99th Rule?
That is the rule to which I referred.

3531. We have had some controversy about it here; the words "such application" do not apply to all the rules from 94 down to 99?
No.

3532. They only apply to Rule 98?
That is so. I think it is extremely likely that if our attention had been called to the subject at the time the rules were framed, we might have enlarged that rule so as to prevent its being restricted to the preceding rule.

3533. *Chairman.*] Of course the rules are in your own power?
The rules are in our power, and we have added to the original rules.

3534. I want to ask you about the purchase clauses. We have got the details or statistics upon our notes, as to the extent to which they have been resorted to, but may I take it to be your opinion that considering the area over which they extend, the number of instances in which they have been resorted to is small as yet?
I think it would be unreasonable to expect them to be large.

3535. But you agree that the cases are few?
Yes, they are few in number.

3536. Is there, at present, any symptom of their increasing?
No, I think not; and I do not expect that they will increase at present.

3537. May I ask what is your reason for not expecting that they will increase?
I think the condition of things as to fixing fair rents, and the fact that the inducement to a tenant to become the proprietor is not so great when he has security of tenure at a fair rent, is quite sufficient to account for persons holding back.

3538. Do you speak of becoming the proprietor under the clauses as they now stand, or under any different arrangement?
As they now stand.

3539. I suppose it is quite clear that whether it is a case of a judicial rent or a case where no judicial rent has been fixed, the tenant becoming the proprietor, would, in the first instance, have to make a sacrifice by providing a quarter of the purchase money?
He would.

3540. And the result, having regard to what the terms are, must be that he would make annually a greater payment, or be at a greater cost than that at which he would stand as a tenant?
Yes.

3541. It has been pointed out that with regard to the advances in the Landed Estates Court, the advance can only be two-thirds of the purchase money, whereas you can recommend three-fourths?
Yes.

3542. That is an anomaly which I suppose you think it would be desirable to rectify?

Yes. The words in the 24th Section are, "a landlord selling to his tenant"; we do not consider the Landed Estates Court to be in the position of a landlord selling to a tenant, but we are able to apply the Bright Clauses of 1870, which are extended to our Commission, to the value of the holding, and in that way we get at the result; but it is rather a roundabout way.

3543. Supposing the landlord and tenant agree to sell on the clauses as they now stand, and come to you for an advance of three-fourths of the purchase-money, what do you do with regard to the value; do you make a valuation, or or do you take the valuation given to you?

The course of proceeding is: The application states the poor law or tenement valuation in one column; the purchase-money agreed upon between the landlord and tenant is stated, and the amount of the advance asked for. A short reference to the nature of the land is given, and if upon the face of the application it appears to be a reasonable investment for the tenant, and the three-fourths would be sufficiently secured, we make an order at once to inquire into the matter, and it goes down from Mr. O'Brien's office to the solicitor's office for inquiries.

3544. Then what inquiry is made; is it as to the title?

If there is any doubt as to the value of the security, we get an investigation of value; then the title is inquired into by the solicitor's department.

3545. Have you declined in any case to make an advance on the ground that the purchase-money which the tenant and landlord had agreed upon was too high?

Yes, I think so; that is to say, we have declined to advance the amount that was asked.

3546. The amount of the three-fourths, you mean?

Yes.

3547. What was that owing to; was it in consequence of the valuation you had made of the estate?

No, I think not, if I remember rightly. I have some information upon that point. Some cases have been refused. There was a case of a Mr. Goodbody's, I think, which was refused on the ground that we did not think that the amount asked for was sufficiently well secured, looking at the respective values; in other words, that the annual payment that would have to be made to us under the Act, at 5 per cent. interest, would be a sum above the poor law valuation, and we did not consider we ought to go beyond a sum which would leave our payment equal to the poor law valuation in the particular case.

3548. Is the principle you have adopted, to require that the annual sum payable in respect of the three-fourths must not exceed the poor law valuation?

We have no absolute rule, but we are influenced by that consideration; but if we found that our valuer gave a very good account of the holding, and that the poor law valuation was very low, or relatively low, we would disregard it and go beyond it; but we would be struck by it in the first instance; we should have special reasons for going beyond 20 years' purchase of the poor law valuation.

3549. Viscount *Hutchinson.*] So that, practically, it amounts to this, that no advance can be made when the selling price is more than 20 years' purchase of the valuation?

No; I think that would be putting it too strongly against the clauses, or against our action. I have a table here of the whole of the cases, I believe, in the solicitor's office; there are 28 of them, and the present condition in which they stand, and the amounts applied for, and the amounts sanctioned. I find in one of those, dealt with by Mr Vernon, that the amount applied for was 3,060 *l.*, and that amount was sanctioned, only striking off the odd pounds so as to make them even tens, and in one respect he reduces the amount to the amount recommended by our valuer as the value.

3550. We will suppose a case where a property is sold, say for 800 *l.*, out of which you would advance 600 *l.*; we will suppose that the rent charged on that would be too large, or that the security was not sufficient, and that you cut it down, and that the landlord and tenant agreed that the difference should be paid in cash by the tenant to the landlord; would that be a matter that you would investigate and consider contrary to the power of sale?

No, we would be very pleased to do that; we would say we will be pleased if you will carry out the whole transaction, and we will forward your views as far as we can.

3551. You would have no objection to such a transaction, I gather?

No.

3552. *Chairman.*] Is it your opinion, from your knowledge of Ireland, that if the arrangements were made more easy under these clauses, and especially if the tenants were not required to pay a greater sum than what they annually pay, that there would be an anxiety on their part to become the purchasers?

I do not think there would be the same anxiety as there was before the passing of the Land Act of 1881.

3553. Do you think as a matter of policy it would be a good thing if the occupiers of land in Ireland became the owners?

To a moderate extent I do. I am not so much in favour of the proprietary clauses as many of my friends; I have my own doubts as to the policy of them.

3554. You do not look upon the policy of the Land Act, as it has been sometimes described, as providing in the shape of judicial rents, a *modus vivendi* to bridge over the period that would intervene until all the tenants were made owners?

I should not wish to pass over the bridge, as a matter of policy, in my view of the question.

3555. With regard to the title which the Commissioners would accept, what is the course they would take in investigating the landlord's title?

If the landlord is an absolute owner, as in many cases the landowners are, the solicitor prepares a short note of his title which has been furnished to him by the landlord's solicitor, and would generally bring it up to me or to Judge O'Hagan. We would go over the short note and if it was all right, we would pass the title. If it were a complicated title we would desire him to take the opinion of counsel upon it; then the searches are made in pursuance of the advice of counsel, and if the searches are satisfactory in regard to incumbrances, judgments, and so forth, of course the matter proceeds to conveyance.

3556. Can you give any idea of what expense is occasioned by the investigation of the landlord's title?

No, I have no materials upon which I could give any reliable opinion upon that point. The operation of the Act is too recent, and we have had but little experience.

3557. Some difficulties have been pointed out in the way of these clauses upon the same principle; for example, with regard to the position of the tenant for life selling, have you found any difficulty in regard to those clauses?

Those cases have not turned up in practice yet.

3558. Has a difficulty been found with regard to head rents or quit rents?

Yes; evidently there are difficulties of that kind which may be suggested and which would undoubtedly arise.

3559. Is there any way in which the difficulty about head rents can be met?

I would rather not give any suggestions to the Committee about amending the purchase clauses; I think I am bound to give those to Her Majesty's Government.

3560. You have not any suggestion to make then?

No; I could not make any suggestions in the nature of an alteration of the

clauses When I say I could not make them I mean to say that I could make them, but I prefer not to make them.

3561. Duke of *Somerset.*] I understand that you do not attach much value to the purchase clauses?

I do attach value to them, but I would not stimulate their action; I think they might be over stimulated to injury.

3562. Marquess of *Salisbury.*] What evil or injury should you fear?

The injury indicated when I say that I would not like to cross the bridge to which I just now referred.

3563. Do you mean that you dislike the peasant proprietory or that you doubt the value of the landowning system?

I can only answer the question in this way: I think any system which would eventuate in turning the landowners of Ireland into peasant proprietors, if it was carried too far, and became too universal, would be most disastrous to the connection between the two countries.

3564. *Chairman.*] Then I suppose your suggestion would be in the way of imposing difficulties with regard to purchase?

No, I think it may be allowed to work itself out naturally; but I think that there ought to be no advance beyond what would be safely secured.

3565. And is that the principle upon which you act in sanctioning advances?

No; I only act upon the terms of the Act of Parliament. Formerly, before the Act of 1881, there was a decided reason and advantage far beyond what now exists, to induce a man to acquire the property in his holding. I do not think there can be any doubt about that, but I think to do anything by which peasant proprietary would be pressed forward out of its natural course so as to supplant the social system in Ireland as it exists at present, would be a misfortune to the country.

3566. Marquess of *Salisbury.*] You do not think the social system has been seriously affected by the passing of the Land Act?

I hope that it has for the better, and I believe that it has for the better.

3567. Viscount *Hutchinson.*] In what way do you think it has affected it for the better?

I think that it will place the relation of landlord and tenant upon a truer and juster basis than has hitherto existed.

3568. *Chairman.*] And do you think that a better relation than any other?

I do; I would prefer to see landlords dealing with their tenants on the principles of the Land Act of 1881.

3569. Viscount *Hutchinson.*] Has the landlord any power to deal with his tenants under the Land Act of 1881?

I think he can do an enormous amount of good.

3570. Marquess of *Salisbury.*] How does his position differ from that of a mortgagee?

He has all the proprietorial rights, hunting, sporting, and shooting; he has the natural influence of education among his people; he can deal with them upon thorough terms of independence and good feeling, and there would be always that respect due and paid, I should hope, to a nobleman or gentleman in Ireland who has a large number of tenants with whom he lives on good terms.

3571. Lord *Brabourne.*] Have not the hunting and shooting rights been practically restricted in some instances since the Act of 1881?

Yes, but not in consequence of the Act.

3572. In spite of them?

No, I could not say in spite of them either; the unfortunate condition of the country has led to that restriction to which your Lordship refers.

3573. Marquess of *Salisbury.*] All the advantages you claim for the position of landlord in Ireland would be equally enjoyed by any wealthy and educated person

person who had a house there, without any regard to the source from which his income was derived, would they not?

No; all the enjoyment of property, I apprehend, or half of it, must be in the possession of influence, not by the mere force of wealth or rank, but by reason of the good feeling existing between a gentleman and those with whom he has such relations.

3574. But he has no power left over the tenants whatever, has he?
Not of eviction.

3575. Consequently, no power at all?
I do not say so.

3576. Viscount *Hutchinson.*] He has no power of selection, has he?
No.

3577. He has only the right of refusal?
He has the right of refusal.

3578. Lord *Tyrone.*] What power has he now in the case of one tenant interfering with another by making a right of way, or stopping water, or various things of that sort that landlords used to take great interest in, in the past?

He has no power to force them, but he has power to exercise his goodwill and good offices between the parties.

3579. *Chairman.*] But all the neighbours have that power, have they not?

No, they are not brought into the same relation with the tenants; gentlemen of large property in the country, I believe and hope, and expect, even with all the disadvantages that the agitation in Ireland now creates, would be respected and looked up to; I think there is great respect paid to gentlemen of rank and honour in Ireland, and that they can bring enormous influence to bear upon the people, not by virtue of any legal right, but by virtue of their social position and relation to the parties.

3580. Viscount *Hutchinson.*] Then you are not one of those people who think that the amenities of property, as they are generally called, are very much removed from the sphere of the landlord at this moment, and that their removal is likely to promote the absenteeism. which has always been looked upon as an evil?

Undoubtedly, the more strained the relations of landlord and tenant in Ireland the more inducements there are to absenteeism.

3581. Do you not think that doing away with the power of eviction, and leaving to the Irish landlord only the power of refusal in the management and selection of the tenants who are to live on his property, affects his interest?

I think that immediately it does, because it offends the feelings of owners of property. They think their privileges are affected, and therefore they are less inclined to spend their time in Ireland; but I do not think that any gentleman who has spent his time in Ireland hitherto will be prevented from doing so in future.

3582. Marquess of *Salisbury.*] He may not be prevented, but do you not think that he will be disinclined to do so?

He may be at first a little disinclined, but I think that that feeling will be got rid of when things settle down. I do not think that any gentleman who has been in the habit of residing in Ireland will give up doing so because of the Land Act.

3583. Lord *Brabourne.*] You think, as I understand you, that the curtailment of their legal rights does not affect their moral influence over the people?

I think the legal rights that have been removed improves their moral influence.

3584. Lord *Tyrone.*] Has it ever struck you what will happen to the unfortunate landlords who have charges upon their property?

Of course gentlemen who have properties overcharged either by the testamentary dispositions of their parents in favour of their brothers and sisters, or

who have encumbered their estates by their own extravagance, must necessarily suffer.

3585. But if these purchase clauses are not made workable, and I understand from you that they are not working at present, how are those landlords who have those charges on their properties to get out of their difficulty?
The position of a landlord who has charges upon his property would not be affected at all by the furtherance of the purchase clauses unless you were to allow an advance to be made, which would act as compensation to him, and which would be far in excess of what the purchase value of the estate was.

3586. If he has no margin left after his rents are reduced, how is he possibly to realise?
The purchase clauses would not enable him to have a margin. Of course, the purchase must be taken at so many years' value of the judicial rents if the rents are reduced. If he is tenant for life, and the money is invested in the Funds, it will produce an income far less in amount.

3587. *Chairman.*] At present, as we have heard, there is no saleable value for land in Ireland?
Generally speaking, it may be taken that there is a suspension of sales?

3588. Land has come to be unsaleable now, has it not?
I think it may be said to be so at the present time.

3588*. How do you account for this?
With the greatest respect, I think it is partly in consequence of the existence of this Committee.

3589. For how long has land been unsaleable?
I should think a year and half.

3590. Has there been any change of late?
No, I think not; at all events, no improvement.

3591. Has the value of the tenants' interest in the land ceased to be saleable?
No; I think the tenants' interest is saleable, but it is not frequently sold.

3592. We have heard it stated here in evidence that it sells for quite as much as it ever did before; is that your experience?
I should think that the desire to acquire the occupation of land in Ireland is as great as ever.

3593. We have heard of some instances in the south of Ireland where there was no tenant-right selling before, but where the tenant's interest is now selling for as much as from 15 to 19 years' purchase; have you heard of cases of that kind?
No; there was a case where a judicial rent had been fixed, I think in the county of Kilkenny, in which the tenant's interest was sold since the adjudication.

3594. For how many years' purchase?
I think it was sold for three years' purchase.

3595. But you have not heard of the other cases that have been mentioned?
No.

3596. Viscount *Hutchinson.*] Putting aside the question of land being unsaleable at this moment, do you think it will ever be saleable; I mean as regards the landlord's interest, not the tenant's interest?
I think it will.

3597. How are you going to create a market for it?
That must be developed by the process of progress, and the desire of gentlemen who have money to invest it in land.

3598. Do you think it likely that any extraneous purchaser will come in and try to put himself in the position of an Irish landlord in future?
I think so.

3599. On what ground do you base that belief?
It is a matter of opinion. I myself would be very happy to invest money in the purchase of land as a landlord, if I had it at my disposal.

3600. Marquess of *Salisbury.*] With all the prospects or possibilities of future legislation?
Yes.

3601. Marquess of *Abercorn.*] Do you not think that the uncertainty of what rents may be in the future, in addition to the difficulty of collecting them, accounts, to some extent, for land being unsaleable?
That is one of the reasons undoubtedly. There is a combination of reasons. The very disloyal agitation which is now going on in Ireland is a strong reason; and so long as it lasts it will keep men from looking at the question at all, with a practical view of investing money in land.

3602. Lord *Brabourne.*] You do not dispute the statement of a former witness, do you, that, as to the two interests, the owner of the one is allowed to ascertain its value in the open market, and the other is debarred from doing so?
I do not concur in that way of putting the position of things.

3603. Will you please explain how you differ from it?
I differ from it in this regard, that I think it is putting it in an unfair way towards those who maintain the policy of the present measure. The landlords' interest, according to my view (that is, his legitimate interest), has never been affected by the Act of 1881. Certain legal powers and privileges which he had over his tenantry have been taken away from him, but it has never been contended (at least, I never contended, and do not hold the opinion) that a tenant has the right to deprive the landlord of that which belongs to him in return for the occupation of the land.

3604. That is not quite an answer to my question; you have told us the tenant can ascertain the value of his tenant right in the open market?
Yes, subject to the right of pre-emption.

3605. You have also told us that the landlord cannot ascertain in this manner the value of his interest in the land, and that his interest is strictly limited by the court; that is the case, is it not, that there being the two interests they are not on the same footing?
No, assuming the position to be as it is, and as your Lordship states it, that each party has his interest defined, there is nothing to prevent the landlord selling his interest in the open market. I think your Lordship's observation would go to show that the landlord's interest had been unfairly dealt with, but assuming the landlord's interest to be ascertained, there is nothing to prevent him selling it.

3606. Is he not limited by the operation of the Act, and is it not a fact that nobody is likely to buy but the tenant, and that he will buy only under exceptional circumstances?
He is not limited by the operation of the Act. He is restricted by the social condition of the country, which is of such a character purchasers will not come forward.

3607. If three gentlemen sitting in court fix what is the value of an article that I have to supply, that deprives me submitting that article to competition in the open market, does it not?
With great respect I think not. You have an article limited by certain rights, and you sell that article with those restrictions, the restrictions in this case being the right of the tenant to have his rent adjusted.

3608. If I have an article for which I wish to obtain the best prices I can, I say to all persons, compete with each other in the purchase of that article, and the effect of that competition is to bring me a high price. The landlord is prevented from doing that because he is only allowed to get such a price as three gentlemen sitting in court, guided by no uniformity of principle, choose to affix to it; is not that so?

I cannot see it in that point of view. I think the landlord has full power, unrestricted by the Act of 1881, to take his property into the market, and get the best price for the reversion, which is the rent incident to the holding.

3609. Can you deny that the landlord is debarred from all competition practically?
With great respect, I do not see it.

3610. Is it not shown from the fact that land is unsaleable. Taking into consideration the desire to occupy land in Ireland, do you think it would be unsaleable if it were open to everybody to compete?
Looking at the political position of the country now, I think it would be equally unsaleable, or very nearly equally unsaleable, if the Land Act had not been passed.

3611. *Chairman.*] Have you had much to do with loans for the purposes of reclamation?
No, the reclamation clauses are under the Board of Works. The emigration clauses are in our department, but we have not found it practicable to work them.

3612. They have not been very onerous?
They could not be worked as they are.

3613. You have had nothing to do with loans for the purpose of reclamation, as I understand?
No, nothing whatever.

3614. Marquess of *Salisbury.*] I want to ascertain a little further what your opinions are about the question of a peasant proprietary. We have it in evidence from some witnesses that there is a considerable desire on the part of tenant farmers to become owners in Ireland; is that your opinion?
Yes, I think it may be said to be a considerable desire; but I think it is a desire which has fallen down. It has been much greater than it is now.

3615. Is it in consequence of the advantages given to tenants by the Land Act that it has declined, do you think?
In consequence of the advantages they possess under the other clauses; and if I were a tenant farmer myself I would sooner keep my money than be subject, practically, to the same rent for 35 years, and place beyond my control the money which I would wish to give to my children as a provision for them in life.

3616. You do not think any political advantage would result from giving the farmers so strong a practical stake in the stability and tranquillity of the country?
My impression is that the whole weight of that stability would be thrown into the scale of the first agitation that cropped up, which captivated public sympathy.

3617. So long as there is anything to be taken from the landlord, do you not think that there is a price offered to popular agitation which will always facilitate the renewal of agitation?
I should not like to answer the question in the form your Lordship puts it, that is, "so long as there is anything to be taken from the landlord."

3618. So long as the landlord is to be made not the possessor of what he is possessed of now?
So long as a class can be got sufficiently dishonest and numerous to wish to appropriate to themselves other people's property, I would say, yes.

3619. Of course, if the particular class of property is defended by the less numerous class in the presence of this hypothetical dishonest class, the temptations are larger, are they not, than they would be if that kind of property were entirely removed from their view?
Certainly, because then the subject matter would not remain to be appropriated.

3620. If there were a very large number of peasant proprietors in Ireland, do you

you not think they would be less likely to seek by agitation to possess themselves of the property of their brother proprietors, than they now are to possess themselves of the rights of the more wealthy class with whom they have less sympathy?

As regards property belonging not to themselves but to others, I quite agree with your Lordship, but looking at it in the wider political connection of the two countries, I think the whole weight would be thrown into antagonism to the connection between the two countries. I do not think that those who are disloyal would be made loyal by becoming proprietors.

3621. You think they would desire separation?

I do, I believe that is the whole secret of the agitation at the present time.

3622. Viscount *Hutchinson*.] Would you say that it has been so from the beginning?

From the beginning, in connection with the movement of the Land League; outside the Land League I believe that there was an honest, active, loyal agitation, growing more active day by day, in regard to acquiring benefits similar to those we have under the Act of 1881. I refer to Tenant Right Associations, which were promoted by men who were thoroughly loyal to the connection and who did not ask at all to appropriate the proper right of others, but only wanted to secure their own rights; and I believe that that agitation has been taken advantage of by the Land League for an ulterior object, as everybody can see, and which they hardly conceal themselves. Mr. Parnell's observation as to taking off his coat indicates it.

3623. Those advantages having been conceded you conceive the only safe manner of keeping up the connection between the two countries is by leaving the landlords there?

I would prefer to see resident landlords in Ireland, and to see them greatly increased in number, under the conditions of what I believe to be giving the just rights to the tenants as well.

3624. Duke of *Marlborough*.] Have you ever considered what would be the effect of this fixing of rent for a judicial period of 15 years in the case of another famine arising in Ireland?

I have not considered the matter, but if I express an opinion I believe the fixing of moderate and reasonable rents for 15 years would enable the country to bear a famine far better than it otherwise would.

3625. Do you believe that landlords, having had their rents fixed for a period of 15 years, would be inclined to show any consideration to their tenants by lowering their rents considerably during a period of great pressure?

My opinion of the landlords of Ireland is that they are so generous that they would under those circumstances lower their rents. I do believe it.

3626. Supposing a contrary state of things existed, and that a very large number of landlords, having had their rents judicially fixed, thought that they were entitled to those rents, what would be the effect of the tenants not being able to pay those rents during famine?

The effect would be that the tenants would sell their interests, and have to leave the country, I presume, or follow some other business. They would have a power of sale; and if the landlord pressed for his rent in a famine time and the tenant was not able to pay it from other sources, he would have the means of paying it in the value of his holding.

3627. The landlord would become the purchaser, would he not?

The landlord would become the purchaser or allow it to pass into the hands of a more prosperous person not affected by the famine.

3628. So that the effect of a famine occurring might be to pass a great many of the farms into the hands of the landlords again?

It might be.

3629. Would not that be the signal for a new land agitation?

No, I think not. I do not know that there has ever been any complaint of a landlord who has acquired land into his own occupation by purchasing out the

tenant. The distinction drawn in the Act between future and present tenants, is based upon that idea.

3630. If the landlord, after having purchased the tenant's holding, let it again, the new tenant would become a "future tenant"?
He would be a "future tenant" as the Act now stands.

3631. Then the beneficial effects which you attribute to the Act would be wiped off, would they not?
If you could conceive it possible that everyone of those tenants would become future tenants we would have the country back again into a condition of freedom of contract, and the question would be whether the circumstances of all parties would not be so much altered for the better that there would be no necessity for throwing the protection of adjusted rents over the tenant.

3632. Marquess of *Salisbury.*] That may be a question on which it may be naturally supposed the tenants and the landlord would take a different view.
It is reasonable to suppose the landlord and tenants would take different views at any time.

3633. And the tenants, being the more numerous, their view would probably prevail, would it not?
That does not follow, I think.

3634. Lord *Tyrone.*] I suppose that you consider that land at the present moment is very much reduced in letting value, compared with what it has been for a good many years past, that is to say, if the landlord has the land in his own possession to let?
No, I think the landlord would get quite as high a rent as he ever did, for the sake of the occupation.

3635. My point is this: can the farmer expect to make as much profit out of his land at the present day as he could five or six years ago?
I think not.

3636. Therefore the land, I may take it, is reduced in letting value?
I think it is, undoubtedly.

3637. Do you think it would have been fair, under those circumstances, for a landlord to have fixed his rents for 15 years on the scale of prices that were prevailing in 1876 and 1877?
You must necessarily fix them upon existing prices, having regard to the average of past years.

3638. I want to know whether that would have been fair?
I think there is no other way of fixing rent at any time, excepting with reference to the existing prices, and past prices, and future probable prices.

3639. Do you think that future probabilities should be taken into account?
Yes, if I were letting my land to my tenant, I should take that into consideration, and no doubt he would take it into consideration also.

3640. In fixing prices at the present moment you will only go back a certain number of years, and look forward a certain number of years, would you?
If I were letting a holding in my own possession, to a future tenant, that is a man with whom I was not adjusting an existing rent, I would do so.

3641. Under those circumstances, do you think it is fair to fix a rent for 15 years at a time when, according to your own statement, land is extremely depressed in letting value?
I should prefer to fix it for 30 years.

3642. Would you take the time at which land was at the very lowest letting value that it has been at certainly during the last 25 years, and fix it at 30 years at that rent?
The longer period of duration, I think, gives a greater impetus and security to the tenant to expend his labour and capital in improving his holding. I think

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in many instances 30 years would have been a far better number of years than 15 years. When I came to fix the rent I would take into consideration the fact that the tenant is to have the land for a certain length of time, and it would be an element in my conclusion. I do not judge that the rent shall be necessarily according to the existing prices when I fix a rent.

3643. If you were fixing a judicial rent, do you mean?

No. If I am fixing a judicial rent, I am fixing the rent of a man who is in occupation of his land, and that is a wholly different question to that which I understood your Lordship to be asking, namely, what I would do if I were setting land to a future tenant.

3644. I ask with regard to a judicial rent whether it is fair to fix that judicial rent at what you have stated to be the most depressed time?

It is fixed not with reference to existing prices alone, but with reference to the consideration of existing circumstances; and that rent is subject to revision at the end of 15 years, when it may either be raised or lowered. For 15 years it is fixed upon a basis arrived at upon the consideration of existing value, in combination with past and prospective value.

3645. Has it struck you that it may be extremely difficult, if you multiply these Sub-Commissions, for the landlords to get valuers?

There is a difficulty in some cases, but I do not think it is a very great difficulty. I think you can get respectable valuers. The engagements may sometimes clash. A valuer who is much sought after may probably have two engagements in different places on the same day or in the same week; but they can generally arrange that matter. There are difficulties, of course, of that kind, but I do not think there are any difficulties that we should not expect to meet with in administering an Act of Parliament of this kind.

3646. Up to the present time, has there been any call for the number of valuators that are now certainly demanded?

No, certainly not, up to the present time.

3647. Therefore, naturally, you may suppose that there is rather a scarcity of them, may you not?

There is; and when we find a good valuer we try to catch hold of him as soon as we can for ourselves.

3648. Therefore, do you not take from the landlord another chance?

We do it for our own sake; or rather it is for the landlord's benefit that we should take the best men we can get.

3649. Lord *Kenry.*] You spoke of taking into consideration the prospective value. Do you think land likely to depreciate in general value in the next 15 years say?

Does your Lordship mean judging by American competition, as they say?

3650. Yes?

No, I think we are at the low end of the scale at present. I think it is likely that the value will rise. If we could once get peace in the country, I have no doubt that everything would rise in value.

3651. Duke of *Somerset.*] You have spoken of the social position of the landlord and the influence that his property gives him; but under the Act of 1881 is there any inducement to him to improve his property?

In regard to improvements, that would work out to the tenant's advantage; I may say that there is not.

3652. The improvements must be left to the tenant, you think?

They must naturally be left to the tenant; and of course they would be left to him.

3653. Then we have been told in course of the evidence that the tenants, in fact, make very few improvements; is that your view?

Yes; up to the present time they have had no inducement to make any improvements.

3654. You think that this new law will stimulate them to make improvements? Certainly, I think so.

3655. Lord *Tyrone.*] With regard to cases of setting aside leases, which have come before you under the 21st section, what arrangements do you make about costs?

As a general rule, the costs I think have followed the result; and I can give you a few particulars, if you like to have them, as regards the number. We had 1,485 applications to set aside leases, and there were only 26 set aside by adjudication; or about five per cent. of those heard.

3656. I think the Chief Commissioners extended the "first occasion" of their sitting?

That is so.

3657. With what view was that done?

With a view to further the plain intention, as we read it, of the Legislature in affording the tenants an opportunity of having the benefit of the 60th section of the Act.

3658. Marquess of *Salisbury.*] That is to say, the opportunity of having the new rent fixed as from the passing of the Act?

Yes; giving them the benefit of the adjudication as having taken place on the day the Act passed.

3659. Lord *Tyrone.*] In the case of a tenant who served a notice upon the "first occasion" not coming before the Court for a length of time, what will take place with regard to his rent?

In the event of an adjudication upon the particular case not taking place for 12 months, the judicial rent will run from the gale day next after the 22nd August 1881.

3660. My question refers more particularly to the recovery of the rent by the landlord?

There is nothing to prevent the landlord recovering intervening rent until the adjudication takes place.

3661. When the adjudication takes place, would the landlord have to hand back the difference?

I apprehend that he would.

3662. Earl of *Pembroke and Montgomery.*] With regard to the cases of breaking leases, has the landlord any notification given to him before he comes into Court of the case he will have to meet?

Not any more notification than the originating notice declares, unless he comes for particulars. There have sometimes been applications by the landlords to get the names of the parties who are alleged to have been guilty of coercion and undue influence, and then they have got those names.

3663. Where an application is made for the names, it is never refused, I suppose?

It is never refused; at least, I have not known it to be refused.

3664. I want to go back for one moment to the question of fixing fair rents; considerable alarm has been caused by the idea that the Sub-Commissioners are not content with taking the rent off the tenant's improvements, but actually made deductions on account of the tenant's improvements from the natural value of the land. I suppose that is an idea which is entirely unfounded, is it not?

I am not aware of its existence.

3665. There is nothing in the Act that would justify them in doing so, is there?

I apprehend not.

3666. I mean, suppose the natural fair rent to be 20 *l.* a year, no amount of improvement that the tenants could make would possibly reduce that by a shilling?

No, certainly not.

3667. Then you think that all the fears that are expressed, that the rent, in course of time, may be swallowed up on account of reductions for tenant's improvements are entirely futile?
I should say quite so.

3668. You told us this morning that when the farm came to be re-valued again by the Court the tenant's improvements would be taken as being what they were when the farm was first valued, and that they would start afresh from that point?
I apprehend that that would be the result.

3669. Might not a tenant claim now a reduction of rent on account of a stone wall which he had built, and at the end of 15 years claim another reduction of rent because he had knocked it down again as an improvement?
Hardly, I should think; I do not think any Commission dealing with it 15 years hence would look upon that as a matter in respect of which the rent ought to be reduced.

3670. How could the Commission prevent it; they would first take the tenant's improvements as they stood recorded, and then the tenant would say, "Here is a stone wall knocked down and fields consolidated"?
It would be for the Sub-Commissioners or the Commissioners who then adjudicated upon that case to decide whether they considered it an improvement of the farm to knock down the wall and the cost of doing it.

3671. Duke of *Norfolk.*] According to your view they would charge for it, would they not?
The cost of knocking down the wall if deemed an improvement might be an element taken into consideration.

3672. Earl of *Pembroke and Montgomery.*] In spite of the fact that the tenant had already got a reduction of rent for putting it up?
Yes, 15 years ago. It is quite possible that such a case might arise.

3673. Would not the value of a tenant's improvement of that sort have to be deducted out of the natural rent of the farm which belongs to the landlord? Where else is it to come from?
No, I do not say so. A tenant can only claim a deduction in respect of an improvement which has added to the letting value. He cannot reduce it, as I have already stated, below what would be its natural condition and its value if it were in the landlord's own hands. I apprehend you look at a farm with all its surroundings, as if it were in the landlord's hands for letting, and you ascertain what would be a fair rent, if it were now to be let, excluding what I call competition value. From that you give credit to the tenant for his outlay, so far as it has added to the letting value of the land; excluding again out of that consideration the potential qualities of the land which might be called into existence and increase the value by reason of that expenditure.

3674. If the Court at the end of 15 years has got no detailed record of the value of the tenant's improvements, and what they were, I do not see how they are to know what was done before?
Your Lordship is so far right as that they will have nothing before them but the adjudication made 15 years before in addition to whatever evidence is admissible as to improvements by the landlord or the tenant during the intervening period.

3675. Lord *Brabourne.*] Have you anything to say about the emigration clause? Have you been able to act under it at all?
No. We have had, in fact, no applications from any qualified body.

3676. Is it a difficulty that there is no body qualified to move in the matter under the definition of the Act?

Yes, it must be a public body, State, or Colony. I would like to see the emigration powers extended. I think we ought to have power, or the boards of guardians, or some authority, ought to have power to assist individual cases of emigration.

3677. If a clause is intended to perform a particular thing, and fails to perform it, it is no disrespect to the Act to say that that particular clause requires amendment, is it?

No; I quite accept that.

The Witness is directed to withdraw.

*Ordered*, that this Committee be adjourned to Tuesday, 25th April, at Twelve o'clock.

# *Die Martis, 25° Aprilis,* 1882.

## LORDS PRESENT:

Duke of NORFOLK.
Duke of MARLBOROUGH.
Duke of SUTHERLAND.
Marquess of SALISBURY.
Earl of PEMBROKE and MONTGOMERY.
Earl STANHOPE.
Earl CAIRNS.
Viscount HUTCHINSON.
Lord TYRONE.
Lord CARYSFORT.
Lord KENRY.
Lord BRABOURNE.

THE EARL CAIRNS, IN THE CHAIR.

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MR. JUSTICE O'HAGAN, is called in; and Examined, as follows:

3678. *Chairman.*] BEFORE your appointment to the office which you now hold you had much experience as county court judge in Ireland, I think?
Considerable.

3679. How many years?
Fourteen years.

3680. And you were examined, I think, as a witness before the Committee of the House of Commons, which was called Mr. Shaw Lefevre's Committee?
I was.

3681. Were you also examined before Lord Bessboough's Commission?
No, not before either of the Commissions.

3682. Would you allow me, in the first place, to ask you some questions with regard to the course of procedure in fixing judicial rents; what is the length of notice which a landlord receives of the hearing of a case for fixing the judicial rent of his holding?
Ten days has been the minimum.

3683. Is there any reason why the notice should not be longer?
We followed at first the ordinary rule in cases of notice of trial; it is now longer than ten days. It is very commonly a fortnight or three weeks.

3684. We observe in the printed list of the appointments made for the Sub-Commissioners on their present circuit that it was stated in a note at the end that a list of cases might be had two or three weeks before the dates fixed; that would be somewhat longer?
That would be longer, of course.

3685. It has been pointed out to us that the analogy between notice for trial in one of those cases to fix a judicial rent and notice of trial of a cause before a court of justice is not a perfect analogy, for this reason, that in cases in the law courts there is a course of pleading previously which informs each party of what the case is, whereas in a trial to have a judicial rent fixed, there is no pleading, and this is the first notice the landlord receives. Does that appear to you to be a just observation?

Your Lordship will allow me to say that our experience has taught us that in the great majority of instances, I might say, the vast majority, the case is extremely simple, and the cases are almost identical in their features. The tenant tells his story with respect to the rent he has been paying, and any increase of rent; then he examines valuers, and then the landlord generally examines his valuer. Then as regards the proceedings of the Sub-Commission, the Assistant Commissioners themselves see the holding; with regard to the proceedings before us, we have the report of our own valuer to go upon, and that in nine cases out of ten forms the case. The tenant speaks to improvements made by himself or his predecessors in title, but as a general rule we have found that the landlord is not taken by surprise; in fact, I do not remember a single instance in which a landlord was taken by surprise as to the case made by the tenant.

3686. The cases to which my question was referring were not cases before the Commissioners Court as you would call it, but before the Sub-Commission; and what has been stated to us is this, that a tenant before he gives his notice may inform himself fully (if he does not already know it) of everything done by his predecessors upon the farm; he may have his valuer if he wishes, and prepare himself completely for the hearing, whereas the landlord is not put in motion until he receives notice of trial, and then he has 10 days or a fortnight during which he must inquire into the history of the holding, the improvements that have been made, and yet his valuers, who may not probably be accessible for some days, and arrange for his professional assistance, and all that he must do in 10 days or a fortnight?

Your Lordship is aware that upon receipt of the originating notice, the case is in Court as against the landlord, and as in other cases where the case is ripe for hearing, he might naturally then begin to prepare for the trial; he knows when he receives the originating notice that there is a case to be tried.

3687. Is the originating notice served upon the landlord, or merely sent to the Court?

It must be served either on the landlord or his agent as a matter of necessity.

3688. As well as sent to the Court?

The case is not in Court unless the notice is proved to have been served upon the landlord or his agent. We make the agent the representative of the landlord under our rules, and so he is for all practical purposes, and it must be served upon him. In any case in which it had not been served upon him we would treat the case as not in Court, and even if, by accident, the notice of trial were served, but the originating notice had not been served on the landlord, we would set the notice of trial aside.

3689. At the same time, until he has notice of when the trial is to take place, he cannot arrange for the attendance of surveyors or professional assistance?

No, he cannot arrange for their attendance.

3690. But you do not see that there would be any difficulty in extending the notice of trial to three weeks, for example?

No, I think not, and we are now, in most cases, giving three weeks' notice.

3691. Now would you let me ask you about the arrangements for hearing cases in any particular place by the Sub-Commissioners. We understand that you send down a certain number of cases to be heard by the Sub-Commissions at each particular place; that is so, is it not?

That is so.

3692. What is the number that you generally send down?

I think it is about 50 that we send down.

3693. It has been stated to us that a great deal of inconvenience and expense arises with regard to cases which are not heard, and which are made remanets.

It

It has been stated that the parties are in attendance, and that they have to pay their valuers and their professional advisers, and that, after all, the 50 cases are never heard, and that sometimes very few of them are heard, and the expense is thrown away?

That was the case to a greater extent formerly than it is likely to be hereafter. In the cases that have been sent down to be heard, up to the present time, as a general rule, only a week has been given for each town. Each town represents a poor law union, and we allotted a week for the hearing of the cases in each town. We found by experience that to some extent the result took place which your Lordship mentions, and accordingly we have changed that plan, allowing a fortnight where there is much business, and we hope there will be less remanets in future.

3694. We heard of one instance, I think, where, out of 50 cases, five only were heard, and 45 were made remanets. Would there be any reason why, whatever number of cases might be sent down to be heard at a particular place, the whole of those should not be heard, unless both parties agree to defer the hearing to some other time or some other place?

With respect to an absolute rule of that kind, the difficulty would be this, that we must provide a day for the hearing of the cases in the succeeding towns, just as in cases on circuit, and if the Sub-Commission remained at a particular town until they had disposed of all the cases in that town, there would be a postponement of the days fixed for the succeeding towns, and persons would arrive there with their witnesses and professional men, and be put to expense and delay.

3695. Is not that, after all, merely stating what is obvious, that there must be an inconvenience on one side or the other?

Certainly.

3696. Why should not those who have been put to the expense, and have their witnesses and advisers ready, be first considered?

It occurs to me that it would be better for the present to continue the system that we have adopted, and give a time, say, a week or a fortnight, according to circumstances, selecting only such a number of cases as we find by experience may, on the average, be got through, and then to go to the succeeding towns; we could have no certainty in our pre-arrangements otherwise, and what we would have to do, if your Lordship's suggestion were adopted, would be to send a Sub-Commission down, leave them perfectly free to remain at any town, for an indefinite time; then go on to another town when they had finished the business there, which course would leave the persons in the succeeding town in doubt as to any chance of their cases coming on. We endeavour to arrange that the average time shall, as far as possible, coincide with the average amount of business, and in doing so, I think we do our best.

3697. I do not, in what I am about to suggest, ask you to pledge yourself without much more consideration; I only throw out the suggestion in order to have the benefit of your opinion upon it. Would there appear to be any difficulty in this, to make the arrangements as you do for the sittings of the Commissions at the different towns for certain dates, and to say that those arrangements were provisional, and that the commencement at a particular town might be delayed by reason of the business at a previous place not having been finished; because, with the telegraph there is, as you know, great facility now for communicating as to the progress which is being made, and in that way the parties could be advised when the day drew near, could they not, and would they not then be able to decide whether they should keep their witnesses waiting or not?

It appears to me there might not be so much objection to that course, but I will consult with my colleagues.

3698. Now, will you let me ask you with regard to another matter which is said to be a very practical one; you are aware that, under the Act of 1870, when a tenant made a claim for compensation in respect of improvements he was required by the Act and by the rules to furnish a statement of the nature of

those improvements, and the time when they were made, and some particulars of that kind; it is stated that the owner of land is at great disadvantage, under the present system, from not knowing what kind of case will be made by the tenant with regard to the improvements, the value of which is to be deducted from the rent; he does not know what the improvements are on which the tenant will rely, or when they were made, or at what expense they are said to have been made; what is your opinion as to that?

We have adopted the practice of ordering particulars to be given in any case in which the landlord asks for particulars, stating that he is not aware of the improvements that may be proved against him, and we have now made a new rule making that a matter of right in all cases where the valuation is above 10 *l.* With respect to small cases valued under 10 *l.*, we think it might lead to very considerable hardship and expense to make that a matter of course; but we have reserved a power in any special case of that kind to make an order on application on special terms.

3699. Will you allow me to ask you with regard to the new rule you have made, is it the rule that the landlord may apply in Dublin for particulars, or that he may, as a matter of right, demand the particulars from the other side in the country?

He may demand them in the first place as a matter of right from the tenant in the country, and on failure to get the particulars he can apply to the Commissioners in Dublin, who would be guided as to the costs by the conduct of the parties.

3700. Viscount *Hutchinson.*] When was that rule made?

It has been made within the last month, but before that we were in the habit of giving particulars in every case where application was made on sufficient ground. We found that in far the greater number of cases the landlord did not ask for the particulars, or that he was well enough apprised that no improvements could be proved against him.

3701. *Chairman.*] In the rule that you have made do you leave the landlord to apply for the particulars in whatever form he thinks best; and the tenant to supply them in whatever form he thinks best, or have you prescribed some particular form in which the application is to be made, and which form is to be filled up by the tenant?

No, we have not prescribed a form. We think it better to leave the landlord unfettered as to the demand he should make.

3702. Does it not occur to you that it might carry more weight and lead to more attention being paid by the tenant if the landlord was enabled to make the demand on what I may call a court paper, and not specifying in great detail but specifying in general detail the sort of information that the tenant might be called upon to give?

Yes; that might be done, certainly.

3703. You know very well that in country districts, amongst ignorant people, the authority of a court has more weight and leads to much more attention than a demand *inter partes*?

Yes, of course. There might be a form dividing the improvements say into buildings, drains, fences and other classes of improvements, and asking the tenant to give the particulars of those various classes of improvements that he had made.

3704. Lord *Tyrone.*] Supposing the tenant sends in a return of those improvements, can any other improvements be taken into consideration by the Sub-Commissioners if he makes application for them at the time of trial?

I should think that a tenant would not be precluded if he could show a clear case that he was mistaken in the improvements he returned, but that would be subject to the discretion of the Sub-Commission to adjourn the hearing, and impose costs upon the tenant.

3705. *Chairman.*]

3705. *Chairman.*] Just the same as in any other court, you mean, amending the particulars, taking care that no injustice was done to the other side?
Just so.

3706. We were told that, in the first instance, in the returns which the Sub-Commissioners were to make to your Court as to their proceedings, there were certain columns which they were to have filled up, showing the value of the tenants' improvements, and the annual sum in respect to the tenants' improvements to be deducted from the present rent in fixing a judicial rent, and we were further told by Mr. Litton, I think, and some others, that in practice it was found that the Sub-Commissioners did not fill up those matters of detail, and that they ceased to be required of them. Does it not appear to you that very considerable advantage would be obtained by having a return of that kind from the Sub-Commissions?
I can only say with respect to that question, that Mr. Litton and Mr. Vernon and myself, considered the matter with the greatest possible anxiety and deliberation, and we came to the conclusion that it would be an unwise step to ask for that return. In the first place, there is a great portion of Ireland to which it would not be applicable, viz., in Ulster. In Ulster we found that the valuers, both for the landlord and the tenant, did not really estimate the improvements as a separate thing, and then deduct the improvements, but that they being habituated to the Ulster Tenant Right, value in their own way the landlords' interest, and the tenants' interest; and so rooted did we find that method to be that it was often with difficulty that we could get a valuer to tell us what, in his opinion, the holding would bring if free in the hands of the landlord to let. He said, "I never looked at it in that point of view." In respect to the Ulster Tenant Right, they value the landlord's interest and the tenant's interest. Now, in cases of that kind, when the rent is fixed with respect to the tenant right, there would be great, indeed I think insuperable, difficulty in getting the Sub-Commission to insert a station mentioning the precise deduction they had made, from what would otherwise be a fair rent on account of those improvements.

3707. Putting aside the case of Ulster for a moment, which we might perhaps look at separately, does it occur to you that in parts of Ireland, where the Ulster custom does not prevail, there would be any difficulty; I mean any difficulty that ought to be looked upon as insuperable?
It certainly might be done; we might require it, but we were of opinion that it would not be wise to do so. We were of opinion that there might be, possibly, great discontent and quarrelling with the result, if persons had it in figures; a tenant might say, for example, I established so much in the way of improvements, and for all that, I find the deduction made is not so great as it ought to be.

3708. But in the first instance you did require it?
We did, but it was upon the representations of the Sub-Commissioners, and upon full consideration, that we came to the conclusion that it would not be a wise thing to continue to require it.

3709. Were the representations of the Sub-Commissioners on the subject made to you in writing or verbally?
Verbally.

3710. From all of them?
Some of them.

3711. I suppose you would not differ from the view that it is the duty of the Sub-Commissioners, in their own mind, at all events, to go through the process of ascertaining what the value of the land is first, that is the fair rent of the land, and afterwards as a separate mental process, ascertaining what the value of the improvements made by the tenants is, so as to deduct the one from the other?
Yes; and then, of course, to have regard to the decision of the court of appeal in Adams *v.* Dunseath, and make a deduction again from that with reference to

the tenant's enjoyment of those improvements that were made before the year 1870, having regard to the rent he was paying, and other matters mentioned in the final Clause of Section 4 of that Act.

3712. Quite so; I meant to say to take the value that is to be allotted for the improvements at the time of adjudication?
Yes.

3713. Does it not occur to you, for example, with regard to appeal, that there would be a great advantage in having that information stated, because both tenant and landlord might be satisfied with the finding as to improvements, but not as to rental, or, *vice versâ*, that they might be satisfied with the finding as to rental, but not as to improvements?
Undoubtedly it might make the thing clearer in the matter of figures, but I would rather your Lordship would not press me as to the reasons which induced us to hold it not to be wise. I think it would create more discontent than it would allay.

3714. Marquess of *Salisbury.*] You mean the revelation of your reasons would create more discontent than it would allay?
Yes.

3715. They were reasons of policy, in short?
They were reasons of policy.

3716. *Chairman.*] But without pressing you, as you desire, as to the reasons which led to your decision being such as it was, allow me to ask you this; do you not think that it would tend to secure clearness of judgment on the part of the tribunal if they had to go through this mental process?
They ought to go through the mental process, but they may differ very much, for example say, as to the percentage they would allow upon the tenant's outlay. One Sub-Commission might conceive that they might allow a larger, and another a smaller, percentage. I think the Master of the Rolls, in his judgment in Adams *v.* Dunseath, spoke of so high as eight or ten, or even a higher per-centage. The Sub-Commissions might be disposed to go much lower in considering what they would deduct from what would otherwise be the fair rent, on account of tenants' improvements; they might differ in their views, and their difference might be very well warranted, but it might not be possible at all times to explain and justify the various grounds which led them to that difference, or which led them to the precise deduction they thought it right to make on account of tenants' improvements. Taking all those things into account, we thought it would be better upon the whole not to state in figures the value of the improvements, or the amount which had been deducted from the fair rent on account of them; but we thought it quite right that they should state the improvements themselves, in order that those might be a guide for any future adjudication when the present 15 years have elapsed, in order that it might be known what the improvements were upon which the present judicial rents proceeded, and we have made a rule for that purpose.

3717. We will come to that in a moment, but will you allow me to ask you this: supposing that the Sub-Commissioners do not state these details as to the per-centage which they allow, and so on, how do you deal with it when it comes to you upon appeal, when you are not aware of the basis upon which the calculation which is appealed against has been made?
Our appeal is a re-hearing. We hear the case *de novo*. We hear the evidence for the tenant first, and then the evidence for the landlord, and we have the assistance of our own valuer, and come to our own conclusion. We come to our own conclusion, subject to this modification, that if we differ in a very trifling degree from the Sub-Commission, we then say it is not worth while changing the decision, but we act altogether upon our own judgment on appeal, and make our own deductions.

3718. Then does it not appear to you that when both parties are left in entire ignorance as to the basis on which the calculation has been made by the Sub-Commissioners, that it is very much more likely to multiply appeals if they

they think that they are to have an entirely fresh hearing without reference to anything which has been done before, would not the party who thinks he has been unsuccessful be very certain to try that chance?

I do not think in practice it has much effect. I think in general the landlord, when he appeals, appeals because he thinks the rent has been reduced too low: the tenant when he appeals, appeals because he thinks the rent too high at present, and that in my opinion is the groundwork of nearly all the appeals, and I have been quite surprised to find how small a factor in the determination of the judicial rents the improvements have been one way or other.

3719. Marquess of *Salisbury.*] Do you mean in the mind of the Sub-Commissioners or in your own mind?

In our own minds in determining our appeal.

3720. *Chairman.*] Do you mean that they form a very small item of deduction?

As a general rule, so far as our experience has gone, they form but a very small item of deduction.

3721. Marquess of *Salisbury.*] You say that the appeal is entirely a re-hearing, but you cannot have all the evidence before you on which the Sub-Commissioners decided, because it appears that a large part of that evidence consists of the Sub-Commissioners own personal inspection, and there is no machinery for bringing that before you?

No; we take that into account just as we would the statement that a competent person had gone out and seen the place. We have our own valuer who values in detail. I believe Mr. Litton placed before your Lordships a paper containing one of the reports of our valuers. That contains in detail all the basis upon which our valuer goes. We have that and we take that into account. It is in a very great degree our guide, for we have very great confidence in the gentlemen we have got as valuers, but we take into consideration also the fact, that two gentlemen have gone out and seen the farm and estimated its value.

3722. But that is an un-cross-examined-upon opinion?

Of course it is. Two competent gentlemen, such as the Sub-Commissioners are, have gone out and seen the farm and given an opinion upon it, and we take that more or less into consideration.

3723. *Chairman.*] I understood you to look upon it as a re-hearing in which you put aside everything that had taken place before and treated it as *tabula rasa*?

It is a *tabula rasa* except to the extent that I have stated. If we come to a conclusion differing but a slight degree from these gentlemen, we say it is not worth while to change the decision.

3724. If it was a matter of a few shillings, you mean?

Or a pound, and so on, on a large rent. We have made changes to the extent of a pound where the rent was small, but if it be a large rent we would not change, for a pound or two; and if the rent be small, we would not change for a few shillings.

3725. You have spoken of the two documents we were furnished with by your own valuers, and the detail into which they go; would it not be satisfactory that a similar statement of the elements of decision should be furnished by the Sub-Commissioners also?

I can only say that we have come to the conclusion that it would not. We do not think that it would be wise to have all those elements; we think that it would increase instead of diminishing appeals.

3726. You are aware, I suppose, that the courts are very familiar with what are called re-hearings, but in those re-hearings the Court of Appeals always pays most material consideration to the *ratio decidendi* of the court below, and before it differs therefrom?

Yes, if there has been a formal judgment, of course, that is so, but it may

happen that the decision of the court below was the verdict of a jury which was given without any reasons.

3727. Where there is a verdict of a jury there is never a re-hearing?
There may be a new trial.

3728. There may be a re-hearing, not for the purpose of altering the decision, but merely for the purpose of sending it back again to another jury?
Of course, if it be the decision, for example, of a court of first instance in equity, the reasons of the judges are to be considered.

3729. Even upon a re-hearing?
Yes, but with us it is generally a question of amount of value. Questions of law sometimes arise, and when they do arise, the judicial Sub-Commissioner, if I may term him so, or the legal Sub-Commissioner, generally gives a judgment, which judgment is before us. We have had that in several instances. We have had cases where very serious questions of law arose which we have had to consider upon our re-hearing, and in those we took the reasons of the Sub-Commissioner into consideration, but in the great majority of cases the question is simply one of value.

3730. My question intended to assume that it was a question of value, but to point to this, the value consisted of separate and entirely independent elements; and although it might be difficult to give a reason for the value put upon each element, still it would be desirable to have those elements put upon record in order that they might be weighed one against the other, would it not?
We would have no objection, so far as regards procedure, to require our Sub-Commissions to state the value of the improvements that they have discovered, and the amount that they have deducted from the rent on account of them. When I say we have no objection, I mean we would find no difficulty, as a matter of procedure, in having that done, but as a question of wisdom, I and my two colleagues came to the conclusion that it would be an unwise thing.

3731. Marquess of *Salisbury*.] You think it would be an unwise thing to publish this information?
Yes, I think it would be an unwise thing to publish this information.

3732. But would it not be unwise to go so far as even to have it for yourselves?
That we may require at any time; the notes of the Sub-Commissioners ought to state that, and in any case in which we wanted it we could have it.

3733. They do usually do that, do they?
The legal Sub-Commissioner makes notes, in which he gives all the particulars, as a judge does of the things that are proved.

3734. Earl *Stanhope*.] There is no shorthand writer present at the Sub-Commissions?
No, but the legal Commissioner takes down the substance of all the evidence, and he has it there for us.

3735. Marquess of *Salisbury*.] Does he return to you his own conclusion, classified and divided, so as to show how much of it is due to each consideration?
Not by way of formal return.

3736. And if you do have it you have it at your special desire?
Yes.

3737. Have you often asked for it?
I think not.

3738. *Chairman*.] But would it be according to any precedent that we have in judicial proceedings, that there should be a communication between an ordinary court and a court of appeal of the reasons for their decision, or the grounds of their decision, which were not made known to the parties?
I think not, and that is the very reason why I think it would be impossible to

to have a return made to us privately, and not communicated to the parties and the public. I do not know whether your Lordship is aware of it, but I might mention that at the hearing of our first appeals in Belfast, the question was raised with respect to the report of our valuers, and it was very strongly and very ably argued that we ought to keep those sacred as a matter intended simply for the information of the Court; it was argued at great length, and we thought there would be very great convenience indeed if we could merely use the reports of our valuers as material for forming our own judgment, without making them public, but I came to the conclusion that that would be so etnirely opposed to the whole spirit of our jurisprudence that it would be impossible to do so.

3739. Lord *Tyrone.*] I would like to ask particularly with regard to the decision which has lately been given in Adams *v.* Dunseath, how can the landlord's counsel possibly tell whether the Sub-Commissioners are carrying out the lines of that decision in their decision without these facts being stated?

I should think that he ought to know that the gentlemen who are the legal Sub-Commissioners, and who are able and competent gentlemen and gentlemen of honour and principle, will obey faithfully the decision of the Court of Appeal. They are bound to do so in law, and I am perfectly certain that, if any of them departed from it, they would tell us, but none of them would think of doing so.

3740. Marquess of *Salisbury.*] You have a full conviction that they do that?

A perfect conviction. I do not know more honourable gentlemen living than they are.

3741. Lord *Tyrone.*] Was not this particular decision a most complicated decision?

The decision in Adams *v.* Dunseath involved four points. First, they decided the meaning of the word improvements, which, I may mention, was not raised or argued, or made the subject of decision below at all. However, they have decided it according to the definition in the Act of Parliament. Secondly, they decided that the expression "Predecessors in title" bore the same meaning in the Sub-section (usually called Healy's Clause of the Act of 1881) that it did in Section 7, although in Section 7, according to its literal interpretation, it would appear as if it were confined to the case of a tenant seeking compensation on quitting his holding. That was the second decision, and, in my opinion, much the most important decision given by the Court. Thirdly, they decided that the enjoyment by the tenant, during the currency of his lease, of the improvements which he himself had made was not of itself compensation within Healy's Clause; and, fourthly, they decided that the last Sub-section of Section 4, of the Act of 1870, which says, that with respect to improvements made before 1870, the Court should take into account in reduction of the tenant's claim, the actual enjoyment by him of the improvements that have been so made, together with the rent paid, and any benefits which he may have received from his landlord—they decided that that also applied in the fixing of a fair rent.

3742. *Chairman.*] That is where there was not a lease, is it not?

I think that decision could not be confined to the case of the absence of a lease. I think it would apply whether there was or was not a lease.

3743. I thought I understood you to say the third point referred to enjoyment under a lease?

That is with respect to the interpetation of Healy's Clause, pure and simple. Healy's Clause says, that no rent shall be allowed or made payable under this Act by any tenant in respect of improvements effected by him or his predecessors in title, unless he has been paid or otherwise compensated by the landlord for them. Then, upon the interpretation of that Sub-section alone, the Court of Appeal decided in accordance with the decision of the Court below, that the enjoyment during the currency of a lease was not compensation by the landlord; but then they further decided that the Sub-section of Section 4 of

the Act of 1870 applied to Healy's Clause in estimating a fair rent, and that I apprehend would take effect whether the enjoyment was during a lease or outside of it.

3744. Lord *Tyrone.*] Have those decisions in Adams *v.* Dunseath been sent round to the Sub-Commissioners?

Yes.

3745. They have been sent round by the Chief Commissioners, have they?

I am not aware that we have sent them. We have got a great number of the reports of the case, and of the decision in Adams *v.* Dunseath, printed for our own use, and I believe they have been sent round by us; but whether they have or not, I am aware that the Sub-Commissioners have all got them.

3746. *Chairman.*] Did I understand you to say just now that you had made a recent rule with regard to the specification of the improvements being taken into account?

Yes.

3747. With respect to Sub-Commissioners mentioning what the improvements were that were taken into account?

Yes.

3748. What is that rule; I do not mean the words of it but the general effect of it?

It is a form that they should fill up, stating what improvements were established before them as having been made by the tenant.

3749. Will that come into operation in the present sittings for the first time?

It will come into operation in the present sittings for the first time.

3750. Marquess of *Salisbury.*] But they are not to state the value?

No, we abstain from stating the value, upon the grounds I have stated to your Lordships.

3751. Lord *Brabourne.*] That would enable them to identify the particular improvements at the end of 15 years, would it not?

It would.

3752. But it would not give them any guide as to the value?

It would not give them any guide as to the value. I may indicate that one of our reasons was this: supposing that improvements were established, for example, and that the Sub-Commission did not think it wise to value, say, at the high standard of interest upon those improvements laid down by the Master of the Rolls, there might be discontent among the tenantry, although in the result the decision might be a perfectly just one. The solicitor for the tenant might say, I will appeal from this decision; you have no right to give us four or five per cent. where you have in other cases given seven or eight per cent. They must take a great many things into account; for example, the enjoyment of those improvements under the Act of 1870, and the way in which the tenant has dealt with his land, which is always a feature in determining the rent; because if the tenant has deteriorated the land, he ought not to profit by his own wrong. The Sub-Commissioners hearing cases have, I think, very fairly taken those things into account, as we have done on the hearing of appeals, and they give the net result of them, with their view of the value of the land, and if all these elements were put down in detail it might be quite possible that particular things might be very much quarrelled with and assailed, and yet the result be, in the main, a fair and just result.

3753. *Chairman.*] But when the matter came before you for re-hearing, your confidential valuer, in whom you place reliance (according to the very interesting forms which we saw, and which seem to be prepared with the greatest possible care), goes into those matters, and expresses his opinion upon them, does he not?

Certainly, as to the amount of improvements.

3754. And also as to the deterioration of the land and the state in which the farm is?

Certainly, he does go into those things, undoubtedly.

3755. Marquess of *Salisbury*.] And he makes the deduction?

No, he makes no deduction whatever; he does not fix a fair rent.

3756. We had a rent, and the deduction from it, in reference to a house or some improvement that there was?

No; he excludes the buildings, but he makes no deduction from the land, except for the buildings.

3757. *Chairman*.] I think that is so?

That is so; I am perfectly familiar with it.

3758. Having gone through all these items, he states generally what he thinks the rent should be, does he not?

Yes; he says, "my estimate of the rent of the holding, irrespective of the buildings at the present time," is so and so. That is generally the form.

3759. Do not those words "irrespective of the buildings" mean that he does not think that the buildings should be taken into account at all?

He does not take the buildings into account at all. If the landlord has erected the buildings, then we would put on an additional rent in respect of those buildings, but the valuer values irrespective of that.

3760. Marquess of *Salisbury*.] You have been speaking of the effect of the division or non-division upon rehearing; have you also considered its effect upon possible agreements between landlord and tenant out of Court; do you not think those agreements would be more frequent and more easy if the exact principles upon which the Commissioners proceeded were more generally known?

I do not think it would have any practical effect or at least very little. The landlord and tenant generally agree about what ought to be the fair rent, and if the tenant has made any substantial improvements he will say, There they are, and they ought to be taken fairly into account; but I do not think that the decisions of the Sub-Commissioners, I mean to say their putting down improvements, and the amount deducted on account of the improvements, would facilitate the agreements so far as I can see. I do not know whether your Lordships are aware that we have lately provided for the case of agreements between landlords and tenants by offering them one of our valuers to settle the rent between them.

3761. One of your principal men?

Yes, one of our court valuers; and inasmuch as the opinion of our valuer does ultimately on appeal, not absolutely, but to a very great extent, determine the case, we think it very wise to offer the valuer in the first instance, as a landlord and tenant can agree if they choose, and may thus inexpensively fix the rent between them.

3762. *Chairman*.] You mean one of the valuers supplied to your own Commission, not the Sub-Commissioners?

The Sub-Commissioners have no valuers.

3763. Marquess of *Salisbury*.] Will you kindly look at this document which was put in by Mr. Litton, and in which 362 *l*. is put down as the value of the farm, and 12 *l*. is afterwards put down as the value of the buildings upon it; and as a matter of fact Mr. Litton stated in evidence that the value of the judicial rent fixed was 350 *l*., that is 362 *l*., minus the 12 *l*.?

Yes, this is one of the documents.

3764. In that form it appears there is no difficulty in making the distinctions?

They always distinguish the buildings from the rest of the property; this is quite right.

3765. Do the Sub-Commissioners do it?

Of course they must do so according to whether the buildings were erected by the landlord or the tenant, but they estimate the value of the farm as it stands, land and buildings and all, and if the buildings be the landlord's buildings, of course they make the tenant pay rent for them.

3766. There is no record analogous to that of the distinction between the farm valued with the buildings, and the value of the buildings by themselves, is there?
No, we have no record of that kind.

3767. And there is no record before the Sub-Commissioners?
No.

3768. You do it in a far fuller form than they do in the Court below?
We do it in a fuller form, that is to say, our valuers do it in a fuller form.

3769. If there is no injury to policy, and I presume there is none from such a return as that being made and published, what injury from a prudential point of view would there be if the Sub-Commissioners went into similar details in their decisions?
In a return of that kind not the slightest; I never indicated that there would be. What I meant was that I thought it would be impolitic to state what deductions we make by reason of the tenant's improvements. That we thought it would be impolitic to state, but we never thought that a return of this kind was in the least impolitic. We give this to the public. In this he values the farm at 365 *l.* per annum. With respect to the improvements, he says that they have increased the letting value 10 to 12 shillings per Irish acre. There he gives his opinion as to the improvements made, and how much they had increased the letting value of the holding, but he does not say I deduct so much from what would be the value of the holding by reason of the improvements; he leaves that to us, and we do not necessarily deduct the whole of that; we deduct what we think a right annual sum to deduct by reason of the improvements.

3770. *Chairman.*] You said just now that you did not think it possible any statement of *ratio decidendi* by the Sub-Commissioners could facilitate settlements between landlords and tenants on their holdings, and that their silence as to their *ratio decidendi* would not prevent such settlements. Might not this occur. Take the case of two holdings near each other and circumstanced in very much the same way; the Sub-Commission fixes the fair rent of one of them and reduces that rent considerably, and the question is whether the landlord and tenant will agree between themselves as to the rent of the other, and the tenant says I expect that the rent of this holding shall be reduced in the same way, but it is a fact that the other one was very much deteriorated, and the Sub-Commissioners reduced the rent in consequence of the deterioration, but that does not appear; there is no evidence of that, and no mention of it in their judgment; the landlord says, I cannot consent to the rent of this other holding being reduced, because it was in consequence of the deterioration of the other holding that the rent has been fixed so low; the tenant and landlord therefore are at variance there, and cannot come to an agreement, whereas if the Sub-Commission had only said that the reason for their judgment was the deterioration of the first holding, the landlord and tenant might settle the rent of the other holding; is not that a possible case?
Perfectly possible, but I doubt very much whether it has occurred in practice; I rather think the broad grounds of the Sub-Commissioners' decisions generally are very well known in the neighbourhood, and that the tenant would say the case of that farm does not govern mine, because that tenant wore out his farm or treated it ill.

3771. But how are the grounds to be known if they do not state them?
The thing is proved in evidence before the Sub-Commission.

3772. But the deterioration would not be seen, perhaps, and would not be known or be the subject of evidence?
It would be the subject of evidence of course.

3773. Perhaps

3773. Perhaps they judge from their ocular inspection of the deterioration? They may do so.

3774. I suppose your surveyor if he observed deterioration in the farm would mention it in the report?
He always states it to us.

3775. Earl *Stanhope.*] You say the Sub-Commissioners have no valuers; do you not think it would facilitate the progress of fixing fair rents if the Sub-Commissioners had valuers, and that there would be fewer appeals?
The Sub-Commissioners may employ a valuer if they wish, at the expense of the parties, but the two lay Sub-Commissioners have been selected for their knowledge of land, and they are supposed to be tolerably good judges of land themselves. They hear the evidence and they hear the valuer of the landlord and of the tenant. It may be a question whether the legal man alone, assisted by a valuer, would not be a change of system that might be adopted. I do not speak of that, but I do not think you can very well mix up the two things; I think you would make rather a clumsy proceeding if, having two gentlemen particularly selected from their acquintance with land, you added to them a valuer on whose report they were to act.

3776. I mean in this way, instead of occupying several days in walking over the land they would be in Court giving their decisions on the value already taken by valuers employed by them?
The Act of Parliament might certainly be changed so that you might have the lay Sub-Commissioners acting as valuers while the legal Commissioner was hearing evidence in Court, but on the whole we doubt very much whether that would be a wise change.

3777. *Chairman.*] That would be cutting up the tribunal into two sections, and proceeding upon different evidence?
That would be, as your Lordship says, cutting up the tribunals into two sections and proceeding upon different evidence. It plainly could not be done under the present Act of Parliament, because they are all judges, and all of them must hear the evidence and decide upon it.

3778. Lord *Brabourne.*] There might be a question arise in Court where the opinion of the gentlemen selected for their knowledge of land might be more valuable than that of the legal gentlemen?
Certainly.

3779. And their absence then would be a public detriment?
Decidedly.

3780. *Chairman.*] I do not know whether it has come exactly under your cognisance what the expense before the Sub-Commissioners to both parties, the landlord on the one side and the tenant on the other, of the hearing of one of those cases may be taken to be?
No, not practically. I could very easily ascertain in some few instances and furnish it to your Lordships.

3781. We have been told that, as a general rule now, each party is left to pay his own costs; is that so?
Yes; the way in which that arose was this. In some instances some of the Sub-Commissioners whilst they reduced the rent imposed costs upon the landlord. When we saw that we communicated with them and said, in our opinion, that was not right; that this was not to be considered as it were a litigation for the determination of established rights, in which one party was in the right and the other was in the wrong. It was a settling more or less of a matter of opinion, and that they ought not to fix either party with costs we thought, and accordingly since that time the Sub-Commissioners have almost invariably, unless there was something very particular in the conduct of either party, left each party to bear his own costs. Then we have the case of the appeals; now undoubtedly, in principle, the costs on an appeal should follow the result, but the system being new, we thought it desirable that parties

should not be prevented in the commencement of an entirely new system, from having the advantage, if they chose, of trying their cases also before the Court of Appeal We thought it wise therefore to lay down, as a general principle, that we would not, even on appeal, fix either party with costs during this judicial year, but we have announced that at the commencement of the next judicial year we will follow the usual rule of the Courts, and make the costs of the appeal follow the result.

3782. I suppose it follows from that that there is no judicial record from taxation of costs, of what the expense of both parties is of one of those hearings?

No, there is scarcely any judicial record. We have fixed a very moderate scale of costs which are all that can be recovered between party and party, and, in the absence of agreement, between solicitor and client.

3873. Marquess of *Salisbury*.] May I ask with reference to the expense of those cases, whether you give any facilities for grouping together for hearing at the same time, the cases that arise on the same estate?

Undoubtedly; we hear them all together. Suppose there are ten tenants of one landlord, we hear the cases of all the tenants before the landlord goes into his evidence at all.

3784. Do you alter the position of the cases on the list for the purpose of facilitating that operation; for instance, suppose you have a case in which the landlord appears at No. 1 on the list and at No. 50, will you put them together?

Certainly, we will do anything of that kind.

3785. Earl *Stanhope*.] Would you give precedence to the worst cases, that is to say, would you put at the bottom of the list cases of less importance than others, such as cases where the tenants had paid without dispute the same rents for 20 years?

We do not desire, without strong reason, to depart from the general rule that the cases that come into Court first shall be heard first, and we require a very strong case to make us depart from that.

3786. *Chairman*.] In the evidence which you gave before Mr. Shaw Lefevre's Committee you went very fully into the explanation of your views with regard to the creation of proprietors of holdings in Ireland, did you not?

Yes, I remember I did give some evidence; I do not think I have seen it since then.

3787. However, I suppose I am right in collecting from that evidence that you are very favourable to the extension of what is called, perhaps not very accurately, a system of peasant proprietors in Ireland?

Yes.

3788. Do you still continue to hold that view?

I do.

3789. Is it your opinion that the clauses in the Act of 1881, which were intended to accomplish that object, have been successful or otherwise?

They have not been as yet successful, certainly, but the time has been very short. We have been only six months, out of a seven years' experiment, at work, and the minds of the people have been occupied completely with the fair rent question. While the stream is running in that direction, I think it is not natural to expect that there should be much of a current in the other direction also. The minds of the people, I have no doubt, will get filled with the idea of becoming proprietors, but as yet they have not been. Besides, there are very many amendments, in detail, that might be made in the Act.

3790. To what do you attribute the circumstance that the clauses have not been acted upon?

That people have not got them into their minds sufficiently; the idea of the people is that of fixing a fair rent, and I do not think that they have yet at all apprehended the advantages of the Act with respect to becoming proprietors sufficiently;

sufficiently; besides, there is this obvious reason, namely, that so far as regards those tenants who desire to have a fair rent fixed, they would not come in to purchase until they knew upon what rental they were to purchase.

3791. And when they have their rental fixed, what would be their inducement to purchase?

To become proprietors out and out. If they can do that by adding a little to their present rent, and leave their family, fifty years hence, absolute owners of the farm, I think that they will do so.

3792. But as the Clauses now stand, would it be the case that even in fixing a judicial rent, they could become proprietors by adding what would be called a small payment to their rent?

Not, I think, under the present Act, which would require them to pay five per cent. upon the purchase money for a period of 35 years, but it would be otherwise if those Clauses were altered so as to extend the time for payment over a longer period, and enable them to borrow the money at a cheaper rate. I am not myself very much master of the details of the figures, but it has been stated, and I believe truly, that with a very slight addition to the tenant's rent, it might be managed if the repayments were spread over say, 50 years.

3793. As the Clauses now stand the tenant, whether he had his judicial rent fixed or not, must commence by providing himself one-fourth of the purchase money?

He must unless the landlord consents to leave that one-fourth out merely puisne to the State mortgage advance.

3794. He may borrow it from a banker, or from any one else?
Precisely.

3795. He must provide the one-fourth in some way, must he not?
Yes.

3796. And upon the remainder he must pay five per cent.?
Yes.

3797. I suppose it is the case without much calculation, that if he purchased at the price for which land has been accustomed to sell in Ireland, that would result in an annual payment by the tenant which would be considerably above his rent?

It would.

3798. Do you think that it is likely the tenants would avail themselves of the Clauses enabling them to purchase, when they would have to make that payment down or provide that money, and also be at a yearly charge greater than their rent?

I think not at present; I think in the present circumstances of the Irish tenants it would be too great a burden.

3799. Will you let me ask you whether you have found practical difficulty in the small number of cases which have come under the Act in regard to property, subject to a head-rent?

Yes, that undoubtedly is a practical difficulty.

3800. Are you aware what quantity of land in Ireland is subject to head-rents or quit-rents; I do not know whether there is anything known more than an estimate, or more than a guess?

Mr. Murrough O'Brien mentioned to me the estimate he made, but I declare I have not the figures in my head; very likely he gave it to your Lordships also.

3801. I think he estimated that it would be a third of the land in Ireland?

Yes, it was something of that kind; but I know nothing more than he told me.

3802. Do you know what is the entire rental of Ireland which would come under the operation of the Land Act of 1881?
Does your Lordship mean how many of the tenants in Ireland are present tenants within the meaning of that Act.

3803. No, I do not suppose it can be known accurately, but by estimate what would be the money rental of Ireland that would be affected by the Act of 1881, supposing every tenant entitled to come in came in?
I quite think it would be three-fourths of the rental of Ireland. Excluding town property it possibly might not be so much, perhaps only two-thirds, but I should think it would be at least two-thirds of the rental of Ireland.

3804. Two-thirds would be affected by the Act, you think?
I think so.

3805. What is the whole rental?
I really do not know, except in a general way.

3806. Marquis of *Salisbury*.] When you say two-thirds, do you include land in lease, or on which side do you put the land in lease?
Outside the Act.

3807. *Chairman*.] I believe the rental is said to be somewhere about 17,000,000 *l*., or nearer 18,000,000 *l*.?
I do not wish to give it to your Lordship, lest I should be in error.

3808. Excluding town property, the town parks, and land on lease, and demesne lands, and so on, you suppose about two-thirds would be the quantity?
Yes, but I cannot speak with any approach to certainty.

3809. You have not gone into that?
No, I do not speak to that, but there are many people who could give you a very good idea of it.

3810. Has it occurred to you that there is any way in which the question of head rents could be dealt with, so as to prevent them being an obstacle to the purchase of holdings by tenants?
They might be bought up at a fair price possibly.

3811. Supposing the owner of the head rent did not wish to sell?
A proposal was stated to me to give power to apportion the head rent, if the land were sold amongst the tenants; but my legal mind rather shrinks from that as interfering with an extant right.

3812. Is not the course taken under the Lands Clauses Consolidation Act, where land is taken for any purpose under it, that there is a compulsory apportionment.
Undoubtedly there is a compulsory apportionment, but then the land is expropriated out and out for purposes of the State.

3813. Is that so; I thought the rent was apportioned?
A railway takes a portion of land subject to rent, and then the rent is apportioned as regards the remaining land, but the rent is not, I think, divided between two portions of land.

3814. Is not the part which the railway company takes made to bear a portion of the rent?
I think not as a general rule; the railway company buys the land out and out in fee, and pays the entire purchase money of every estate and interest in it, and then the rent is apportioned upon the remainder of the land.

3815. Probably that would be the more convenient way for the railway to take, namely, to buy the landlord out?

I think

I think that is done; it is so in every case that I remember; I do not know if there be a provision for apportioning the rent between the railway and the lessee in the Lands Clauses Act; if there is I do not remember it.

3816. Do you think there would be much probability of the vendor or the landlord selling at one price, and, perhaps, redeeming the head rent at a higher price, and that being a transaction which he would like to engage in?
It is quite possible, of course.

3817. Has any case come before your Commission in which the head rent has been dealt with in any way, either by purchase or otherwise?
Mr. O'Brien would be able to tell you that more accurately than I can, but I think not; I am not aware of any such case.

3818. It has been stated also to us that there is an impediment in the way of buying and selling in the case of tenants for life?
There is an obvious impediment.

3819. What is the difficulty that occurs to you about that?
I think I remember mentioning it before Mr. Shaw Lefevre's Committee; the difficulty is the tenant for life selling and then receiving for the investment of his money a smaller income than he was receiving from the land.

3820. Do you know that in practice, since this Act of 1881, was passed, that has deterred tenants for life, who might otherwise have sold, from selling?
I am not aware of that in practice, but I have no doubt it is so.

3821. Is it quite clear that there would be a serious loss to a tenant for life?
Your Lordship is aware of the classes of investment which are open to trustees under Lord Cranworth's Act, namely, real securities and Bank of England and Bank of Ireland Stock, and India Stock, as well as the Government funds; I suppose 3¼ per cent. would be the largest amount that could be expected from any investment in those funds.

3822. It was pointed out to us that under the Act of 1881, if the tenant for life sells, he is limited in a particular way as to the re-investment of the money, that it must be paid into the Court of Chancery, that it must be invested in the Government Funds, which would pay 3 per cent., and further, to use the language of the Act, that the tenant is to be called under the Lands Clauses Consolidation Act "the promoter of the undertaking," and it was suggested in evidence here, that the tenant would have to pay all the costs of the application to the Court of Chancery, and of the re-investment; have you considered that?
Yes, I have considered that, and that is very serious, or it appears to me to be so.

3823. I suppose we may take it that, without more, would effectually stop any such operation?
It would be a very serious thing indeed undoubtedly, but the investment of the funds need not take place where there are trustees, and where the purchase money could be paid as in case of an ordinary sale.

3824. However, the costs of the Court of Chancery would probably be found a very serious difficulty?
Yes.

3825. Marquess of *Salisbury.*] It has been suggested to us here that it might be possible to divide the interest of the tenant for life from the interest of the remainder man in such a way as to allow the tenant for life more liberty in re-investing his share when apportioned to him than he possesses under Lord Cranworth's Act to which you have just alluded?
That is true if he can use the capital which comes to him; that is to say, his share of the purchase money in trade or in any profitable way he thinks profitable; but if he invests his share, what can he get but a smaller income, because the capital invested would be merely his proportion of the price.

3826. The assumption was, that it was possible so to divide the money that he should, as it were, buy the remainder man out?

Yes, I understand that proposal perfectly; he gets in his pocket the value of his life interest, and that could be done by the Government, as it were, insuring the various lives by setting off the bad against the good, and so on, and paying the tenant the capitalised value of his life income; but to the majority of men I apprehend that might not be a great boon.

3827. He might get something higher than 3½ per cent., might he not?

Yes; but, as your Lordship sees, if he invests it on the highest paying security he could possibly get, it still would be merely interest on a portion of that capital of which he formerly had the interest of the whole.

3828. *Chairman.*] I think the witness who suggested the operation suggested (in fact, it was necessary for his case that he should do so) that the tenant having got the money could invest it in Manitoba; otherwise it would be but the same thing, *idem pro idem*, would it not?

Yes. If he could invest the entire amount of the capital in what would produce a much larger income, then the tenant for life would be clearly benefited, but not by investing merely his own share of it.

3829. Lord *Brabourne.*] What would become of the remainder man if you did that?

The remainder man's money would be kept safe for him.

3830. *Chairman.*] Supposing any arrangement could be made by which a tenant who had a judicial rent fixed, or a tenant who had not, could become the purchaser without having his annual payment increased, or still more, if he had his annual payment somewhat decreased; is it your opinion that that would be a temptation to him to become the owner, and that he would be anxious to be so?

I think it would be a temptation to him. Of course, there lies a political question behind that.

3831. I do not go into the question politically, whether it would be a good thing, but I should like to have your opinion, from your knowledge of Ireland, as to whether you think it would be a temptation to him?

I think it would be a temptation to him.

3832. Without going at large into the political consideration, there is one question I may ask you; have you considered, suppose the State were anxious to create peasant proprietors, whether it would be desirable to go down to the lowest form of holding, or to stop at any particular point, say the holder of a particular number of acres, or the holder of any particular fragment of land, however small?

I should doubt the advisability of making a very small and very poor tenant a proprietor, but your Lordships will see that I have some difficulty in giving opinions upon these speculative points, and for this reason, that I am in a somewhat responsible position, and may be asked to give my opinion when I should very maturely have considered the subject, and an opinion given here before your Lordships might be held to fetter and bind me.

3833. That I quite feel, and if put to you in that way I should not like to press it?

That is the sole ground of my hesitation. I understand if an opinion be given before a Committee of your Lordships it is afterwards published, and that is taken to be, as it were, the determined and settled opinion of the witness, and possibly very often referred to and cited, so that there is a difficulty in giving an opinion of that kind upon a matter that you may hereafter have to consider in a position of responsibility.

3834. Marquess of *Salisbury.*] Mr. Litton did give to us an opinion that any considerable increase in the number of small freeholders in Ireland would have a political tendency directed to separation between the two countries: of course, if you desire to maintain silence on that point I could not press you upon

upon it, but as he has given an opinion I should like to know whether you think it right to give an opinion too?

I think it has been generally considered that the effect of bestowing property upon men is to make them conservative, and I should be disposed, in the first instance, to say that it would have the same effect in Ireland.

3835. That would be the leaning of your mind, would it?

It would.

3836. You think the desire of maintaining tranquillity, and keeping the property which they would have obtained, would outweigh any speculative proclivities which they might be disposed to entertain?

I think so.

3837. Lord *Tyrone.*] You gave very strong evidence upon that point, I think, before Mr. Shaw Lefevre's Committee, did you not?

Yes, I think I did, and I suppose I entertain the same opinion still that I did at that time, but I gave my opinions then without any sense of responsibility; I was a private individual at that time.

3838. Marquess of *Salisbury.*] Allow me to ask you, have you been able to estimate, from the business already provided, how much of your time the purchase operations are likely to occupy?

I think we have hardly materials upon which to answer that question, because the operation of the purchase clauses really lies much more in expectation than in reality; we do not think we ought to judge from the present what may be done hereafter; while the minds of the peasantry are set in a particular direction, as they are now, to the fixing of fair rents, you will not get them to turn their attention to the purchase clauses; I look forward to the purchase clauses operating much more in the future than they do at present. Therefore I do not think we can estimate how much of our time will be taken up with the purchase clauses, but I think a very considerable time will be so occupied, and our solicitor and Mr. Murrough O'Brien, who is at the head of the department, appear to me to be tolerably busy as it is.

3839. There would be considerable weight thrown upon you in deciding questions of discretion in the administration of such clauses, would there not?

A great deal, and a very great responsibility; as there is no appeal with regard to those clauses, we will have to decide all those questions for ourselves.

3840. *Chairman.*] How much of your time, generally speaking, has been taken up by the appeals; I suppose the appeals have been very pressing?

Yes, the appeals have been very pressing; we sat in Belfast first to hear appeals; we sat there, I think, for a fortnight, and then having reserved the case of Adams *v.* Dunseath for the Court of Appeal, we thought it right to reserve the hearing of further appeals until that had been decided; but we found in practice that the decision of Adams *v.* Dunseath had a far less effect than we could have conceived. Still we thought it would have an effect, and we thought it right to suspend the further hearing of appeals until it was decided. We then went to Limerick, and sat hearing appeals there, and in the interim, between Belfast and Limerick, we heard a good many appeals in Dublin.

3841. Lord *Brabourne.*] Do you mean that it did not have the effect of preventing as many appeals as you expected?

No, it had less effect in fixing the amount of the judicial rent. I remember Mr. Vernon and myself speaking upon the entire effect of it on the Limerick appeals, and I think we came to the conclusion that the decision in Adams *v.* Dunseath, as regards the 4th Clause, did not make a difference of 10 *l.* per annum in the aggregate, spread over about 1,100 *l.* judicial rents there.

3842. *Chairman.*] Then a considerable portion of your time has also been taken up in hearing the cases about leases?

A great deal of our time.

3843. Marquess of *Salisbury.*] And that clause of the Act has not had much practical effect, has it?

It has had very little practical effect. I do not think the people were aware of what the requisites were in order to bring them within the Act. Three conditions must have been fulfilled; they must have been tenants from year to year; the execution of the lease by the tenant must have been procured by threat of eviction or undue influence, and the lease itself must contain terms that are unreasonable or unfair to the tenant, having regard to the Act of 1870. Now the fulfilling of those three conditions has been so difficult that in the great majority of cases we have had to dismiss the tenant's case. It has happened in a great many cases that the tenant held under a previous lease, and on the expiration of his lease he may have been compelled to take a new lease by the landlord at a certain increased rent, and although this was done under threat of eviction, the tenant not having been a tenant from year to year at the time, did not come within the Act. And again there have been a great many cases where the landlord was comparatively indifferent whether there was a lease or not, so that he could get the increase of rent, and the tenant desired to get the lease as a protection against further increase, so that although the landlord may have compelled him to pay the increased rent, he did not compel him to execute the lease. That is a case we have had also to dismiss, and then there has been a further question as to what were terms unreasonable or unfair, having regard to the Act of 1870. We have gone the length in one case under appeal (which was heard yesterday, I think, before the Court of Appeal) of holding that where there was nothing in the clauses of the lease that militated against the Act of 1870; but the rent was so high as to eat up the improvements effected by the tenant, that made the lease a lease containing unfair terms within the Act of 1870.

3844. *Chairman.*] That is a matter which may come before the Court of Appeal?

It is before the Court of Appeal now.

3845. There are some other sections of the Act which also come under your consideration; that as to emigration is one, I suppose?

Yes.

3846. You have not had much trouble about that?

No; none.

3847. Does the reclamation of land come under your consideration?

No; that is a question for the Board of Works.

3848. Lord *Tyrone.*] Are you aware whether any action has been taken under that clause by the Board of Works?

Really, I could not answer that.

3849. *Chairman.*] Is the section as to arrears of rent under your jurisdiction?

Yes; there has been very little done in that way.

3850. The time is expired for applications under that section, I suppose?

Yes, quite so; it expired on the 28th February.

3851. Have the cases where applications were made been disposed of?

Yes, we have sanctioned advances to the amount of about 30,000 *l.*, not more.

3852. To the landlords?

Yes.

3853. With regard to the purchase clauses, what course have you taken where there was any arrear of rent due from tenant to landlord on the occasion of the purchase; has there been any case of the kind?

Such cases may have arisen, but have not come before me.

3854. Has it occurred to you what course ought to be taken, supposing these purchase clauses were more largely resorted to; it would be expected, I suppose, that there would be cases where arrears of rent are due from tenant to landlord?
Yes; I think those should be provided for, or their payment made a condition of carrying out the arrangement.

3855. Do you mean that the tenant should not be allowed to purchase without paying them?
Yes; he should not be allowed to enter upon his purchase in deep arrear of rent.

3856. Might not that deter a number of tenants where they would be glad to become purchasers if some arrangement were made?
As it is voluntary between landlord and tenant an arrangement might be made in any case of that kind.

3857. I want to ask you about the title on those occasions of purchase and sale between landlord and tenant; what would the natural expense be, supposing the tenant became the purchaser of a small holding not getting an advance from the Government, the Government advancing to the landlord we will say, and taking a charge on the holding; have you any idea what the cost would be that the tenant would have to pay?
The tenant pays no costs. The costs are bulked and made part and parcel of the purchase money, under the express terms of the Act.

3858. That is, if the Court buys an estate but resells to the tenant?
Yes; quite so.

3859. Is there also a separate transaction between landlord and tenant in the case of a short holding?
I think it is arranged in the same way; that the tenant pays a bulk sum, including costs.

3860. Is that so?
I think it is so; as well as I recollect we arranged it so. We have fixed a scale of costs under our rules.

3861. But in the case I put it would be by agreement between the landlord and tenant; it would not come before you at all?
Your Lordship means out of Court altogether, where it is simply an advance.

3862. The tenant has a particular holding we will say, of 30 *l.* or 40 *l.* a year, and he and his landlord agree, the landlord to sell and the tenant to buy the holding, the landlord expects to get, according to the present rule, three-quarters of the purchase money advanced by the Government, the tenant provides the other quarter; the landlord has to convey to the tenant, and on the other hand the tenant has to give a charge to the Government for the three-quarters; have you any idea what the cost of a transaction of that kind would be altogether?
No, I cannot tell your Lordship, but I will ascertain at once through our solicitor.

3863. It would involve, I suppose, among other things, the stamp duty, both upon the conveyance and on the mortgage?
Yes; we had some question with regard to that double stamp duty. It involves the stamp duty upon the conveyance and the mortgage undoubtedly, but then I believe there was some arrangement attempted with the stamp office by which they would only require a single stamp duty in a case of that kind.

3864. Is that so?
I think so.

3865. Do you say that they have made that arrangement?
I think some arrangement of that kind was endeavoured to be effected by us, but has not been actually made.

3866. But no cases have come before you which would enable you to tell what cost the tenant would be put to in investigating the title and so on?
No, that is a matter that would rather come before our solicitor and Mr. O'Brien. I do not think it has come before me judicially.

3867. Is it possible to extend the record of title system to titles of this kind?
I do not think the record of title system would work at all with respect to these purchases, but I have a strong opinion upon the propriety of establishing very soon a system of local registry, by which the encumbrances affecting these small holdings can be ascertained rapidly, and to have a cheap and simple form of conveyance. This I think is an essential consequence or corollary of the purchase clauses.

3868. That is what I was going to ask you. Do you think there is much chance of the stream of small proprietors succeeding, unless there is some arrangement made by which the title can be transferred locally and at a small expense?
I am perfectly clear that it is essential to do so, and I have for a long time thought that one of our wants in Ireland is a cheap local registry, either according to unions or counties, so that a person going to search should find every possible encumbrance and dealing with the farm entered there. I have an idea of my own with respect to cheap conveyance; I do not know how far it may be possible to carry it into effect, viz., to effect the conveyance in the book of the registry without any deed whatever. If it be a question of purchase and sale, my idea is that the vendor and purchaser should go before the registrar and say, I wish to sell this farm for such a price; the name of the vendor and purchaser and price should then be entered in the book, and that so the sale should be completed.

3869. Viscount *Hutchinson.*] In what book do you mean?
The registrar's book.

3870. It has been suggested to us already that there should be some record of that sort kept in your office?
I do not know why that should be. I do not know why, when once you have this system established, the Commissioners should be the means for the persons to keep the record.

3871. *Chairman.*] Although your scheme would not contemplate the title being kept in Dublin or transferred in Dublin, would it not be more natural to require that the record of title office should be so extended as to be the head of those local registries, or the directors of them?
Certainly, or the registry office.

3872. Is the record of title office in connection with the registry office?
No, it is quite different. It is in the Four Courts, and under the direction of the Land Judges. The record of title has not worked successfully in Ireland.

3873. Either the Office of Registry in Dublin, or some similar office, you think, ought to be the head?
It might be the Registry Office in Dublin. Record of title is theoretically the most complete idea, but I think it has been generally abandoned as impracticable; and the minds of practical men have reverted to the system of the registry of instruments.

3874. Duke of *Marlborough.*] Is the number of applications for the fixing of a fair rent increasing?
No, they are not increasing; the stream is rather diminishing

3875. What does the entire number of applications to fix a fair rent amount to at the present time?
About 80,000, or something over 80,000.

3876. And you think the stream is diminishing?
Yes, I think so.

3877. *Chairman.*] What is the weekly rate now?
I do not think I can answer you as to the present weekly rate.

3878. Marquess of *Salisbury.*] And how many of those have been disposed of?
Between cases decided and cases stayed, or withdrawn, and agreements out of court, over 10,000 have been disposed of.

3879. Viscount *Hutchinson.*] You mean 10,000 out of the 80,000?
10,000 out of the 80,000.

3880. Duke of *Marlborough.*] To what do you attribute the circumstances you have just mentioned that the stream is diminishing?
I think there was a very rapid stream at first; there was a great rush into the court, and then in the natural course of things it became somewhat less.

3881. Do you think it will eventually close altogether, and that there will arrive a time when the applications will come in in a steady stream, and go on for some time longer?
I think there will be a steady stream for some time longer.

3882. For a long time?
For a long time.

3883. Looking at the number you have already had in your court and the number already settled, and the various arrangements you have made with regard to the increased number of Sub-Commissions to decide cases, have you formed any idea in your mind as to what may be the probable duration of time which it would take you to finish off those 80,000 that you have already got in your court?
We hope to have the greater number disposed of in another twelve months; certainly by the end of the year 1883 we hope to have the whole arrear cleared off.

3884. Then can you form any idea what may be the proportions of this steady stream which you consider will be still going on?
I could not answer as to the future.

3885. Have you any idea as to how many there will be in the year?
In the year there might be some 5,000 or 6,000 possibly, when we get beyond this block.

3886. And how many Sub-Commissions do you conceive would be necessary in order to dispose of that number?
Less than half our present number of Sub-Commissions, I think, would do it.

3887. Then you consider that by the end of 1883 the arrears will be cleared off, and you will then have got into the steady stream in which you will be able to keep up the business with half the number of Sub-Commissions?
I am of that opinion.

3888. Marquess of *Salisbury.*] If you have only disposed of 10,000 out of 80,000 in six months, will it not be a very great acceleration of the rate at which they are dealt with if you finish the 80,000 in eighteen months more?
I think not, seeing that we have done 10,000 in about six months. We commenced with a very small staff indeed, and it has been greatly increased, and now we have for the first time the largest staff we have had, namely, sixteen Sub-Commissions; and then we undoubtedly expect a great many cases will be settled by agreement.

3889. *Chairman.*] But may the circumstance that the stream has diminished now not be owing to this, that the tenants in Ireland see that there is a complete

block in the Court, that there are 80,000 cases pending, and that they say there is not the least use in our going to the expense of giving a notice or putting ourselves in motion, we will wait until the block is worked off a little, and see what has been done, and then we will come forward?

I rather attribute it to the great rush there was at first into the Court to take advantage of the Act, and that has become gradually smaller without there being any disinclination to take advantage of the Act.

3890. Duke of *Marlborough.*] But suppose the rents which are capable of being reduced, and other conditions of that character to exist outside of that 80,000, such as exist within that 80,000, would there not be the same motive among others who have not yet applied?

Yes; but those who felt the pressure the most came in at once. They came in with a great rush; and very likely others may take their time, and not be in so great a hurry. I am sure no person anticipated at the beginning that there would be such a crowding of the Court. They thought the thing would be rather a tolerably steady stream from the first.

3891. The proportion of rental which has been reduced averages about 25 per cent., does it not?

Yes, something like that, so far as I can see.

3892. Lord *Brabourne.*] The large number of tenants who intend to pay no rent, I suppose, have not come into Court to seek for diminution?

There are a considerable number of that class who have not come in.

3893. May you not hope that as the country becomes more tranquillised these men will come in?

They will come in, undoubtedly. As to the question of our being enabled eventually to grapple and deal with the number of cases coming naturally and normally into Court, I have not the slightest doubt we shall be able to do so so soon as this arrear is cleared off. Not one of the three of us has ever felt any despondency as to being able to grapple with the work.

3894. Duke of *Marlborough.*] Do you think the reason why others have not yet come in, and that the same rush is not going on, is that they do not feel the same pressure of rental upon them?

I think, to some extent, that must be so; but that, of course, is more or less conjecture.

3895. Lord *Tyrone.*] Was not one of the causes making the rush into the Court the extending of the "first occasion" in the first instance?

Certainly. The 60th section provided that a tenant making application upon the first sitting of the Court would have the advantage that the order, when made, should relate back to the time of making the application; and undoubtedly that caused an immense rush into the Court. There would not have been so great a rush but for that.

3896. You extended that several times, did you not?

We extended that "first occasion" once.

3897. Duke of *Marlborough.*] Is it not one of the conditions with regard to the purchase clauses that the tenant, during the time that he is repaying the advance made to him, is not to sublet or sub-divide his holding?

It is, under the Act of Parliament.

3898. Supposing the idea was carried out which, I think, fell from you during the course of the examination, that the time, in order to ease the tenant in his purchase, should be extended for 50 years, would it not be a very serious objection to the tenant to have his farm put in such a condition that for 50 years he could neither sublet or sub-divide it?

It might be so; but upon all those points I would ask your Lordship not to take my opinion as final, because my views are given with a feeling that I may have to give much more detailed and serious consideration to every one of those questions than I have given, or have been able to give, at present.

3899. Marquess of *Salisbury.*] How many cases have you under appeal at present?

The number of appeals lodged were 1,428.

3900. At what date?

Up to the 15th of April.

3901. And of those how many have you disposed of?

We have disposed of 195, which, with 52 withdrawn, makes a total of 247 disposed of. This Return also states, if your Lordships desire to have the figures exactly, the number of applications to have a fair rent fixed, and how they were disposed of, up to the 15th of April; but I think the Return is going to be made formally to Parliament.

3902. Lord *Tyrone.*] With regard to your former evidence, which I have read over, I find that you mention there that you thought the Encumbered Estates Court was not a good medium of purchase, as it was a Court of Justice?

Yes.

3903. That was under the Act of 1870?

Yes; that was for acting as a commission. I think the proposal was that it should act as a commission, and I thought there would be somewhat of an incompatibility in their assuming those functions.

3904. You stated, I think, that that was owing to the fact of its being primarily a court of justice?

Yes; it was a court for the purpose of selling land, and clearing off encumbrances, and deciding as to encumbrances, and then making a Parliamentary title, and I was of opinion that if a commission were established for the purpose of purchasing and selling lands it should be a commission independently of that.

3905. And not a commission coupled with a court of justice?

I suppose there may be some little inconsistency at present, inasmuch as we combine both functions, but such was my view with regard to the Landed Estates Court.

3906. I was going to ask you whether you do not occupy almost exactly the same position now as that which you define there as being against the working of the Purchase Clauses?

I do not think it is so much so. We are not merely a court for sale, we are a court established for dealing with the relations between landlord and tenant; we are to a great extent a landlord and tenant court. There is not the same sort of putting us outside of our normal work as I thought there would be in that case.

3907. Your answer in that case is to the effect that "it is primarily and essentially a court of justice, to which we look for the discharge of its primary functions especially," and I should have imagined that you were in very much the same position as that?

I do not know that our primary functions are so much those of a court of justice. I think we are very much balanced; we are a court of justice undoubtedly to settle fair rents, but we are also a commission for the purposes of purchase.

3908. With regard to the establishment of a peasant proprietary at that time, you stated that you thought the State should further the scheme as a good scheme in itself?

Yes, I did.

3909. I suppose it would not be too much to ask you whether that is your opinion now?

It is; I have no hesitation in saying so.

3910. You were also in favour of another form of purchase, which was the establishment of perpetuities?

Yes.

3911. Have you changed your opinion about that?

Not as to its desirability; but as to its being likely to occur much in practice, I have a good deal changed my opinion. I do not think it is very likely to occur much in practice now. The difference between having an estate in fee farm at a fixed rent, and that of having a fair rent fixed, is not so great I think, as to induce the tenant to make a sacrifice to become simply a fixed tenant. The Act itself provides for fixed tenancies, but I think there has not been more than a single instance in which there was an application (I believe there was one and one only) to have what is termed by the Act 1881 a letting at a fixed rent, which means really letting in fee farm.

3912. At that time you seemed to have believed that the tenants would take advantage of that freely, if offered?

I thought so; and I still think that if that had been enacted in 1870, in the prosperous times, the tenants would have taken advantage of it to a very large extent; but I doubt very much, both on account of the change of the times, and on account of the new legislation, whether they would take advantage of it now to the extent I thought they would. I have no doubt they would have taken advantage of it greatly if it had been open to them between 1870 and 1880.

3913. Then I may infer that the great thing which will prevent them taking advantage of it is that they have such benefits under the Act of 1881 as are now given?

That is one of the reasons.

3914. At that time you stated that tenants would willingly have paid the old rent in perpetuity, and a fine of five years in addition, did you not?

I was of that opinion, and I think over a good deal of Ireland that may have been so; but there is no use in saying further than that there was a very great deal of raising of rents between 1870 and 1880. I do not wish to speak further than I have seen in the hearing of the cases upon appeal, but certainly in the cases which have come before us upon appeal I do not think the tenant would have paid the rent he was then paying and a fine besides to obtain a perpetuity. I do not think he would have been able to do so.

3915. You were then of opinion, I see, that they could have paid five years more than the present rent?

Yes.

3916. But either that opinion must have been wrong, or else it would be correct still as regards rents that had not been raised?

When I gave that opinion I gave it in reference to my then view of the great desire on the part of the tenants to have a perpetuity and fixity, and I did not believe that the actual existing rents were so much a matter of complaint. I have seen now that the existing rents have been, to a very large extent, a subject of complaint. That may be, of course, due and owing in some degree to the change of times, but it has been also due in a great degree to the rents being too high; and, of course, where the rents were too high the tenants could not pay. I candidly own I did not, until I began to administer this Act, think that so many cases of high rent would come before us.

3917. Cases in which rents have not been raised for a length of time, do you refer to?

Yes, and cases where they have been raised. There have been very many cases that we have had of the kind; but upon that point I do not wish to speak, lest I should generalise, which I do not desire to do, but to keep my mind perfectly free for the future, and to speak only of things in the past.

3918. At that time also you were of opinion that small proprietors might be established without inflicting loss or injury upon any one?

Yes, and so it would be undoubtedly. If the rent be a fair rent, then, by advancing to the tenant according to the scheme of the present Act, or to any proposed scheme, no loss is inflicted.

3919. This Act, up to the present time, as far as regards the purchase clauses, has been more or less, I understood you to say, a failure altogether?

Yes,

Yes, the purchase clauses have not been taken advantage of, and I have stated the reasons which in my opinion have led to that result, namely, that the minds of the tenants are occupied with the question of fixing a fair rent, and that they have not turned their minds to the question of purchase.

3920. At that time you gave evidence to the effect that you objected very much to the landlords being absentees, which used to be the great cry in Ireland?

Yes, I certainly wished to have resident landlords if I could, though some of the best landlords that I have known have been absentees.

3921–2. Are you of opinion that this Act is likely to increase the number of absentees?

I should think not; I do not know; that is also a speculative question; but I think, if the country settles down, as we must all hope it will, and that the judicial rents be fairly paid, there is as much inducement as ever for the landlord to live in the country.

3923. Marquess of *Salisbury.*] His position as to the tenants is a very different one to what it was, is it not?

He has not the same power over his tenants as he had, but he can live in the midst of them, and have all the country sports and the position of a country gentleman; nothing will be taken from him except the power of altering rents.

3924. Lord *Brabourne.*] Has he the country sports at present?

At the present time the country is certainly in an abnormal and unnatural state.

3925. Earl of *Pembroke and Montgomery.*] Would not there be very little business occupation for an energetic landlord under the Act living on his estate?

As much as in the case of a landlord who had given leases over the whole of his estate.

3926. Marquess of *Salisbury.*] There would be leases perpetually falling in; then he would have to deal with the renewal of those; he is relieved now of that labour, is he not?

There are renewals at the end of every 15 years under our present Act.

3927. In the form of litigation?

In the form of settlement of some kind.

3928. Lord *Brabourne.*] Is it not rather a different thing whether a man voluntarily gives a lease and voluntarily agrees to a renewal at the end of that lease, or is bound in perpetuity to give a lease?

Of course, there is a very great difference in that respect, and there is a very great difference in the position of landowners in Ireland in our time, politically and otherwise, but I still think, that if the country settles, as I trust it will, and things become peaceable and quiet, and the judicial rents be paid, as I think they will be, there will be very great attraction and inducement for a landlord to live amongst his tenantry, and not away from them.

3929. Lord *Tyrone.*] I would like to ask you a question with regard to that, You are aware that a certain number of landlords (I think a large number) were in the habit of taking great interest in their estates, and giving money for improvements; do you think that they can go on doing so under this Act; or that there is any inducement for them to go on doing it?

I suppose there is not the same inducement. Have your Lordships considered what number of that class of landlords, that is the indulgent class of landlords, have actually been made subject to the operation of the Court?

3930. Will you kindly tell us how many are exempted from it?

None of them are exempted by law, but I mean to say as a matter of fact.

3931. Lord *Brabourne.*] Is not this a fact with regard to the relations of landlord and tenant in Ireland, that your Court, which you defined just now, may be defined as a Court which interferes with, or rather assists people to

regulate one of the ordinary transactions of life, that between landlord and tenant; whereas, hitherto, they have always settled between themselves without any interference?

That was a question for the Legislature when it passed the Act.

3932. It alters the position of the landlord, I mean, does it not?

There is an alteration in the position, no doubt.

3933. Lord *Tyrone.*] With regard to what you mentioned just now about the sporting rights, I should like to ask you this question, what position is a landlord in now, supposing that the tenant does not give him the sporting rights that are granted to him under a statutory term, or suppose that the tenants choose to poach or to allow other people to poach under a statutory term, what is the landlord's position?

The tenant violates the law.

3934. What redress has the landlord?

Does your Lordship ask as to what summary mode of redress he has before the magistrates.

3935. Has he any redress, I want to know?

Certainly, he has a redress.

3936. What redress?

If the exclusive right of fishing be reserved to him——

3937. I do not mean fishing?

If the exclusive right of shooting be reserved to him, or the exclusive right of game be reserved to him, and the tenant takes game upon the land, that game is the property of the landlord, and the landlord may sue the tenant for it.

3938. In Petty Sessions Court, or the Sub-Commission Court?

In the ordinary courts of law. The Sub-Commission Court would have no jurisdiction over it; or he might obtain an injunction against the tenant, I apprehend.

3939. From the superior courts in Dublin, do you mean?

Or the Civil Bill Courts, if it comes within the jurisdiction of the Civil Bill Courts.

3940. You say you have got 80,000 cases before the Court, and there is some 520,000 left outside we will say; in the case of most of those, as you are aware, in Ireland, there is no agreement of attornment of either shooting or fishing to the landlord?

No.

3941. What power has the landlord of preserving the game upon his property in any single one of those cases until he brings them into Court?

You mean the cases of tenants from year to year under an ordinary tenancy, apart from our Act altogether.

3942. I am bringing your Act into it, because your Act alters the position; the landlord could protect himself before your Act was passed, because he could serve a notice to quit?

That was the only power he had.

3943. Now he cannot do that, can he?

He can.

3944. But then you would stay the operation of the Act, would you not?

The tenant can only stay it by coming in to have a fair rent fixed, and applying to the Court where the proceedings are pending to stay any ejectment grounded on the notice to quit.

3945. What possible or probable chance has the landlord of preserving his property, if he has to wait until the 80,000 cases you have mentioned are got through, and probably a portion of the 520,000 cases as well. All the game or fish he has may be destroyed in the meantime; what protection has he under those circumstances?

The

The case your Lordship puts is that there will be so much delay that in the meantime the tenant would set his landlord at defiance.

3946. Quite so?

I do not know, but I should think there are not very many tenants who have not gone into court, who are not presumably living on friendly terms with their landlords, and who would deny to their landlords the ordinary sporting rights.

3947. It has occurred on my own and on many other properties I am acquainted with, that the sporting rights have been taken from the landlords by the tenants, and they have no redress whatever under this Act. That is the reason why I have asked, and I am afraid you cannot give me any satisfaction under the circumstances?

If it were not for what your Lordship puts, namely, the present delay arising from the number of cases in court, I think I have answered your Lordship very satisfactorily. For example, take an ordinary time; if a tenant from year to year refused, say, to let a landlord go upon his farm and say you commit trespass if you enter upon my land, the landlord could say what he could have said before, namely, "I will serve you with notice to quit." Then the tenant would say, I will bring you into court to fix a fair rent; but the landlord may rejoin, Very good, then; I will have my sporting rights reserved to me by the Land Commission, or I may turn you out unless the County Court Judge stays my proceeding to do so.

3948. I do not raise the question of the landlord going on the farm, but merely the question of the preservation of the property. Probably, as you are aware, if the preserving of any class of game is delayed for a certain time, and everyone is allowed to poach it, it becomes valueless; therefore, if the landlord has to wait until the case comes into court, it may be two or three years, the game becomes of no value to him whatever. He eventually, no doubt, can bring the tenant to terms, but at a time when the game that he wants to preserve is utterly done away with?

That may be an inconvenience undoubtedly arising out of the present state of things.

3949. Viscount *Hutchinson.*] There is one point arising out of that that I should like to be clear about. We will suppose it is the offending party in the matter, but that the tenant's farm is entered by some other person to whom is granted game. Does the grant of game in your court give the landlord the right of prosecution, which he would not have had before?

The landlord has the right of prosecution at present, if I remember rightly, under the Petty Sessions Act, and there is nothing to take that away from him. Formerly the tenant alone could have prosecuted the party by whom the trespass was committed, but the law was altered in that respect, and the landlord acquired the right of prosecuting by himself, which right has not been taken away by this Act.

3950. Lord *Tyrone.*] Mr. Litton told us that the Sub-Commissioners were not to be changed more than was necessary, for certain family reasons of some description or other, and that the Chief Commissioners intended to keep the Sub-Commissioners in the different localities in which they had learned their work and learned the class of holding, and the class of tenants, and the class of landlords; I want to know whether that has been carried out?

As far as possible.

3951. But is it not the case that almost every Sub-Commission in the south of Ireland has been removed from the place in which it was working?

I think not. I think I can tell you the present Sub-Commissions; I do not know that I could be quite sure about the former ones. It is perfectly true that we have changed the Mayo Sub-Commission, and brought it to Kerry. The gentleman who was the legal Commissioner put forward some strong reasons for not being kept so very far away as Mayo, and we changed the Sub-Commission from Mayo to Kerry, but the Sub-Commission which was formerly in Kerry, and was for Kerry and Cork, has now gone into Cork.

3952. I do not allude to that, but that is another case in point; I will

mention, for instance, the Sub-Commission working in Wicklow, which was a very important Sub-Commission, because it had to learn a business which other Sub-Commissions had nothing to do with; it had to learn the question of the stint of sheep, which perhaps you are acquainted with?

Yes.

3953. That is a very important question, and there is an important decision of that Sub-Commission that is likely to come up for appeal; that Sub-Commission, after having learned that very abstruse question, has now been removed, and another Sub-Commission put in its place; do you think that will be advantageous?

I think I can tell you what the present Sub-Commission for Wicklow is. It appears to me to be a very good Sub-Commission indeed.

3954. I am not finding fault with the present Sub-Commission at all, I am only finding fault with the fact that after men had learned their work they should be removed?

You cannot have everything square.

3955. I do not know myself who the Sub-Commissioners are?

The present Sub-Commissioners are Mr. Fitzgerald, the legal Commissioner, Mr. Edward O'Brien, who himself is a landlord, and Professor Baldwin is the other.

3956. I have no fault to find with the Sub-Commissioners; I do not know anything about the Sub-Commissioners that have been appointed; I merely draw attention to the fact that another Sub-Commission had to learn the work of Wicklow, which is a very difficult work to learn; it is different to that of the other Sub-Commissions; they have all the work of the land to learn, but in addition to the land they have to deal with the rights of turbary and the sheep question, which are extremely complicated matters, and that Sub-Commission has been removed; I will give you another case of a Sub-Commission having been removed, that is the Sub-Commission acting in Waterford; that has been removed?

When the four new Sub-Commissions were appointed, of course the areas were restricted, and the area being restricted we had to make some shifting. It was inevitable in some cases to make changes, but we went upon the principle of making as few as possible.

3957. That is what I wish to ascertain; you did act upon the principle of making as few changes as possible?

We did.

3958. And retaining those who had learned a district?

We did, as far as possible.

3959. If a tenant who owes a large arrear of rent applies to the Court to have his rent fixed, proceedings in ejectment would be stayed, would they not?

Only by the Court that has cognisance of the ejectment, not by us.

3960. The tenant might not leave the arrear pending until he got the rent fixed?

Certainly not.

3961. I have a note here about that fact, "Case in which the tenant applied to the Court for an extension of time, which they granted him"; what Court would that be?

That would be our Court; that is a different matter. That is extending the time to redeem which we have in conjunction with a right to extend the power of selling his holding. We have got that under a particular section of the Act. The tenant is entitled to sell the holding, under the provisions of the Act, in ejectment for non-payment of rent, up to the period allowed by law for redemption, which is six months from the actual taking possession by the sheriff of the holding. We have got power to extend the time where the tenant is about to sell his holding, and in doing so we always impose the terms that the tenant must pay a considerable portion of the rent due by him before we extend the term.

3962. Have

3962. Have you always imposed those terms?
On the first day or two we did not; but almost immediately after we did; and certainly, have done so steadily for some months back.

3963. There is a case mentioned of Owen *v.* Day, in which the landlord made application to have a certain sum of money paid into court, and according to my information the court refused it?
I am unaware of the details of that case. If they were furnished to us we would investigate it, but I can assure your Lordship, that almost from the beginning, certainly for a long time back, we have never granted that extension except upon the terms of the tenant paying a certain proportion of the rent, generally half the rent due.

3964. Viscount *Hutchinson.*] What has the result of that been. Have you had subsequently to dismiss many applications because those conditions were not complied with?
Yes, several of them.

3965. The majority?
No, I should think not the majority.

3966. Lord *Tyrone.*] In the case I mentioned, and which is rather a noted case, the landlord appealed, and your court increased the rent upon which the tenant levanted and left all the arrears which had accrued before and during the time the thing was pending due to the landlord?
That is a result we could not I suppose in any way have guarded against.

3967. If the tenant had been obliged to lodge the money in court that would have been guarded against, would it not?
As I have told the Committee, I do not remember that particular case, but I can assure your Lordship that if in that case the time was granted without the tenant paying any of the rent due, it is contrary to our general practice, and I do not remember such a case.

3968. I understood you to say that you would not object to the Sub-Commissioners handing in such a statement as that which the Noble Marquess near me showed you, and which was handed in by Mr. O'Brien?
No.

3969. You would have no objection to that?
No objection to their stating the particulars of the improvements they have found there, and the question of any deterioration.

3970. But they do not do so at present?
No, they send the improvements at present, but not any statement of the value of the improvements.

3971. Would it not be better if they stated the value of the improvement?
I have already in answer to his Lordship the Chairman stated that we have very fully considered that, and thought it inexpedient to require them to do so.

3972. You said just now you would have no objection to their doing so?
That is the improvements themselves, not the value of the improvements.

3973. You would have no objection to the Sub-Commissioners handing in the same kind of statement as Mr. O'Brien did?
No; it does not state the value of the improvements, but merely that the improvements exist.

3974. With regard to the position of a tenant who serves a notice upon the County Court to have his case heard before it, can it be removed from the County Court upon the application of the landlord?
Yes, certainly.

3975. But suppose a tenant, or we will say a landlord, serves the notice upon the Sub-Commission Court, can it be removed to the other court on application?
No;

No; there is no power given by the Act to remove to the County Court.

3976. There is only power given by the Act to remove from the County Court?
Only from.

3977. With regard to the position of a middle man, is notice given to the middle man when rent is about to be fixed?
The notice is not given necessarily to the head landlord, but the head landlord has a right to intervene. We have guarded carefully the right of any person to intervene.

3978. Viscount *Hutchinson.*] And the mortgagees as well?
The mortgagees as well.

3979. They get no notice?
No, but they have a perfect right to intervene.

3980. How are they to know that proceedings are going to take place?
They must ascertain as they best can; they will very likely see the public notices. We do take pains with respect to certain of our cases, viz., cases of the arrears question or cases of sales, or cases of agreement between landlords and tenants. Wherever the landlord and tenant agree to fix the fair rent, and it does not come into Court as a contentious proceeding, we publish most carefully the agreement, and suspend its operations for three months in order that persons interested might come in; and that we considered very necessary to avoid collusion between an insolvent mortgagor and the tenants. We never act until after lapse of time and very full notice; but in case of an ordinary tenant coming into Court we would have no means of ascertaining who the mortgagees are.

3981. It has happened, we are told occasionally, by the operation of the Commission generally or of the Sub-Commissioners, that the margin, which represents the difference between the actual gross income of the landlord and the amount he has to pay to the mortgagees, has been entirely swept away?
That might happen.

3982. It has happened, I believe, but surely those are cases in which the interest of the mortgagee ought to be very carefully considered, and where certainly notice of some sort ought to be given, are they not?
Yes; but in cases of that kind we have no means, you will observe, of knowing who the mortgagees are, and therefore we could not serve them with notice. What we do in the case I have referred to, viz., of agreement between landlord and tenant, to fix the rent is to suspend the ratifying of that for a certain time, to advertise the agreement as extensively as we can in England, Scotland, and Ireland, in order that the mortgagees might have every chance of knowing it. But in regard to the ordinary case of a landlord coming into Court, two things are to be observed; first, we have no means of knowing who the mortgagees are; secondly, in the case of a mortgagee with a limited margin, he can very well ascertain whether his mortgagor is coming into Court, because the lists are published, and we give him the right to intervene.

3983. *Chairman.*] What is the chance of the mortgagee becoming aware of one of those advertisements which you say you advertise; you say you advertise?
We do, in the "Dublin Gazette," and we advertise in the several papers in Dublin, and also in England and Scotland, the fact that those agreements are scheduled, and set out in the "Dublin Gazette."

3984. Suppose I am a mortgagee, what chance have I of seeing one?
By seeing the announcement that agreements between landlords and tenants have been scheduled, and are to be found in a certain journal.

3985. If I see the advertisement I agree, but what chance is there of any mortgagee seeing the advertisement?
I should think the same as of his seeing any other notice.

3986. Lord *Brabourne.*] Are they put in the London newspapers?
The reference to the schedule in the "Dublin Gazette" is put in the London newspapers.

3987. Lord *Tyrone.*] What London newspapers?
The "Times."

3988. Viscount *Hutchinson.*] That only applies to the agreement?
To cases of agreement.

3989. Lord *Tyrone.*] With regard to the specified value of the tenancy when that is fixed by the Court, have you any objection to tell us how that sum is arrived at?
It is a very difficult jurisdiction to exercise, because as yet there have been very few sales in Ireland of the statutory tenancy, and therefore there has been very little basis in the way of precedent by which the Court can ascertain what the value is. In some cases that have been heard before us on appeal, we have heard men say, "What do you think would be given by a tenant for this tenancy," and I think in some cases we fixed it at five years' rent. The landlords and tenants' witnesses thought that price would be given in the market for it; but we can only fix it in that way. There is no possible rule by which it can be fixed.

3990. Are you aware whether they ever take into consideration what the tenant would get under the disturbance clauses?
I have heard that one Sub-Commission (and I really could not specify which of them) had taken into account, in the absence of any proof of what the holding would bring in the open market, what the tenants' rights were under the Act of 1870; but it does not appear to me that that is the true meaning of the section. I think the meaning of the section is the value of the tenancy, namely, its price.

3991. Do you think it likely that tenancies will sell for large prices under this Act the same as they used to do?
I think they will; very likely not for such extravagant sums as were obtained in the north of Ireland, but for fair prices.

3992. *Chairman.*] Have you heard what any tenancies have sold for in the parts of Ireland where the Ulster custom did not prevail?
I think there was a case in the south, I saw in a newspaper of six years' purchase having been got.

3993. We have had cases mentioned before us of considerably more than that; but you do not know of them?
No, the only one I saw was six years.

3994. Lord *Brabourne.*] Do you know at how many years' purchase tenant right is thus bought?
Yes, I have heard up to 40 years' purchase; but that is something absolutely extravagant. You have to consider with reference to that, that really those sums are no proper measure of price. The proper measure of price is, what a man properly investing his capital would give for it; but these people do not invest their money, so to speak, in the way of getting an ordinary return for it; they have it lying at one per cent. in a bank on a deposit receipt, which is the ordinary mode in which a tenant keeps his money, and accordingly he does not think what the amount of interest should be; he sees a farm which he greatly desires to be the owner of, and in that way the extravagant prices have been got.

3995. Is it not a fact that these are obtained because free competition enters into the bargain which the landlord has not got?
Undoubtedly, free competition has entered into the bargain, but that is checked by giving the landlord a pre-emption by the Act.

3996. But when the landlord has the judicial rent fixed, that regulates the value, and pratically excludes competition for that farm, does it not?
Of course, so far as the rent is concerned.

3997. A tenant selling his tenant-right, unless the landlord, which is not very often the case, exercises the right of pre-emption, has pratically the element of competition in open market by which he can ascertain the value of his tenant-right?
He has undoubtedly, unless the landlord exercises his right of pre-emption.

3998. That is not very often the case, is it?
We have had so very little experience as yet that we can hardly speak of it.

3999. Lord *Tyrone.*] Supposing good prices to be realised for tenant-right under this new Act, I suppose that in all probability the tenants of Ireland in future will be paying higher rents than ever?
They do not look at it in that way; you would add the interest on their purchase-money at 5 per cent. to the rent they are paying, and say that the rent is higher than ever; but they never consider it in that way.

4000. But it would be the fact if you did it?
Taking it in that way, and considering the purchase money as part of the rent, and estimating the purchase money at 4 or 5 per cent., certainly that might be the result.

4001. Earl of *Pembroke and Montgomery.*] And if they borrow the money to buy with, it would be so practically, would it not?
Yes, if they borrow the money to buy with it might be so.

4002. Marquess of *Salisbury.*] Do they do so?
I think not often. I think it is generally money they have lying by.

4003. Viscount *Hutchinson.*] With regard to the reports of your valuators which you alluded to just now, how far are they public documents?
They are absolutely given to the parties. The view which we laid down in consultation with the counsel in the first case that was heard before us was, that we would give them to the professional men engaged, so soon as the evidence on both sides had closed, and before they addressed us. We thought it right not to give them in the first instance, because in that case the whole evidence and conduct of the case would be directed with reference to that report.

4004. They are merely documents for reference; they are liable to be commented upon by counsel, but not be tested in examination or cross-examination?
That is so.

4005. Of course at the end of a case, when the case is in fact practically concluded, the arguments at an end, and nothing remains but for the counsel to make what remarks they please upon the document, it may happen that upon one party or the other (I do not say which), some mine is sprung in the way of undiscovered improvement, or something which has come under the notice of your valuator, that neither party has taken any notice of, and that neither party is prepared to deal with in court?
If there were any case of surprise of that sort, we should certainly adjourn the case.

4006. You have had nothing of the sort happen?
No, nothing of the sort.

4007. Marquess of *Salisbury.*] When the Sub-Commissioners were appointed, was there any kind of communication from you to them as to the principles on which you would wish to adminster the power delegated to them?
Not the least.

4008. None whatever?
None whatever. We thought it would be very wrong to say anything of this kind to them considering that we were the judges of appeal.

4009. Of course there were the rules laid down?
There were our ordinary rules, which of course they could read.

4010. Subsequent instructions we heard from Mr. Godley were sent in the form of letters?

There were some instructions which Mr. Godley, I think, gave to your Lordships with respect to not receiving hospitality.

4011. And making speeches?

Precisely.

4012. You also had some conversation with them as a body before they started on their mission, did you not?

Yes, we asked the first Sub-Commissioners appointed, who were 12 in number, to come and meet us in our large room in Merrion-street. One of the objects in doing so was to get to know one another. We got them there, and they sat round the table, and we asked each of them to mention what his notion was with respect to fixing a fair rent. Each of them gave his idea, but we did not give them any of our ideas.

4013. You simply accepted their statements, but you did not go into the subject yourselves?

No; one of the Sub-Commissioners asked us to state our views, but we said we thought that would be an impropriety on our part.

4014. For what purpose did you ask them to do this; did you imagine that they would be guided by each others views?

Yes, and we were anxious to hear their views, and it aided us to know the men.

4015. Was there such an unanimity among them as to lead to the impression that they would act upon a uniform system?

There was an unanimity to this effect, that the majority of them (I think with the exception of two gentlemen) stated what has been really the result, namely, that in the matter of fixing a fair rent you must be guided by your experience, that is what you as an experienced valuer of land would believe to be a fair rent under the circumstances between landlord and tenant.

4016. Then these 12 gentlemen had no such experience before, they being legal gentlemen?

Four of them were legal gentlemen, and their function was to see evidence properly, and decide legal points.

4017. Practically the expression of opinion was confined to the other eight?

It was; we heard what the others had to say.

4018. Earl *Stanhope.*] But some of those 12 gentlemen did not understand the question of valuing land, did they?

I think all the laymen understood it very well.

4019. They had not any previous experience?

One gentleman made an answer which made us smile, because it would in fact leave the tenant little or nothing. I remember Mr. Vernon was much amused by it, because he said if you give the landlord so much as that, no tenant could live. That gentleman gave so large a proportion of the produce to the landlord, theoretically, that it led to that remark. But I believe that gentleman has made one of the best and most efficient Sub-Commissioners, though he was not quite able to express his ideas as to the value between tenant and landlord in point of theory.

4020. What was his theory?

I do not think it fair to mention it, but it was a certain division of produce, which would give the landlord the lion's share.

4021. Then he did go into arithmetical divisions?

Yes; it was upon that he said, My opinion is that the landlord should have so much and the tenant so much, and that made us smile; at least it made those smile who had had experience of land: but that gentleman, I may mention, has made a most excellent Sub-Commissioner, and his decisions have given general satisfaction.

4022. Was there a general tendency to reduce the matter to an arithmetical problem?

Not at all, with the exception of another skilful gentleman, who went into detail more elaborately. All the rest I think merely stated their notion of what a fair rent was, and that they were to be governed by what their experience of land was in deciding what ought to be a fair rent under the circumstances.

4023. You would say that they went into the matter with no principles, but relying upon the rule of thumb?

I do not say the rule of thumb; but, for example, take a gentleman of great experience, such as Mr. Gray, our valuer, or Mr. Russell, and ask him what his principles are, and he will tell you there is no principle except experience; nothing will teach him what rent ought to be paid in a particular case except his experience of land, and his knowing the produce that the particular land may make, and what therefore the tenant who has it can afford to pay for it.

4024. Would not Mr. Gray's definition of the letting value of land be the value for which the land will let?

No, because otherwise you would bring in entirely the element of competition. His definition would not be that, for which it would let in extreme competition, but what it might fairly let for, putting aside extreme competition.

4025. Is there no principle for deciding that?

Nothing but experience, I apprehend. I would a great deal rather your Lordship asked Mr. Vernon upon that subject; he is a great deal more competent than I am to deal with it. It occurs to me from my observation, and I had also a great deal of experience of it, when I sat as chairman, and endeavoured to settle questions between landlord and tenant, which I very often did in claims for disturbance and improvement, when I tried to get them together again. I never found there was any real principle except what men of experience in the neighbourhood stated the land might fairly pay.

4026. You have to cut the cake into two morsels, but there is no principle whatever upon which to decide what those morsels shall be?

Except this, that the valuer who has been accustomed to value land knows, just as a person who is accustomed to value any other commodity knows, that the land would be dear at one price and cheap at another.

4027. That introduces the fatal element of competition?

To a certain extent there must be the element of competition, but it is not an extreme competition.

4028. A fair rent must be rather decided, must it not, with reference to the recollection of what competition would give them, not in proportion to what competition would have given; but with the recollection of what the market would have given when the market was open, that must be one of the elements, and one of the main elements, by which it is decided now, must it now?

I suppose it is not entirely excluded, but I rather think it is that they have learned by experience and knowledge the value of land; they can tell you, having investigated the land, that a tenant taking that farm and paying so much for it, can fairly afford to pay that price for it, and that a tenant paying such another price could not afford it, but would be a broken man.

4029. I trouble you with this rather because there seemed to be some traces of principles somewhere in the observations that Professor Baldwin frequently let fall from his seat on the bench. He speaks of the principles on which he and his colleagues were agreed, and we had some curiosity to find out what they were?

I could not give your Lordship any information as to that.

4030. That preliminary interview would not throw any light upon it?

I think he did state a canon, but I could not undertake to repeat it.

4031. Unfortunately he has taken that away with him and acts upon it?

It amounts, I think, to much the same thing.

4032. Lord *Brabourne.*] All the gentlemen but two said they would be guided by experience; did the other two wish to ignore experience?
No, not at all.

4033. Only they had not any?
They were all men of experience in land; we were not responsible for the choice, but as far as we know, and as far as they have proved themselves, they have been men of experience.

4034. Lord *Tyrone.*] Have all the Sub-Commissioners lately added been men of thorough experience in land; I am talking of the four additional Sub-Commissioners?
Yes, I presume so, from the Government having selected them for the purpose.

4035. *Chairman.*] From the fact of their being Sub-Commissioners?
From the Government, after very careful inquiry, having selected them.

4036. Lord *Tyrone.*] Have any of them been employed in other capacities before with regard to the Land Commission?
Yes, one of them, Mr. M'Causland, was an assistant registrar of the Land Commission.

4037. Did he learn much as to the value of land as an assistant registrar?
I suppose he must have learned a good deal as assistant registrar, but I believe he knew a good deal before.

4038. Lord *Brabourne.*] There is one point I should like to ask you as to what a farm would fairly let for. Is the character and position of the tenant ever taken into account; what I mean is this, a tenant who lives on a farm, and expects to live like a gentleman upon it, will require to have more money, and be able to pay less rent, than a man of less pretension in his position; is that taken into account?
Certainly not; at least, if it be so, it is contrary to all principle, that we could put less rent on a man who desires to live like a gentleman.

4039. Would you consider how the tenant ought to live; do you take into account his position at all?
My experience is greatly derived from the hearing of appeals; but, most undoubtedly, it appears to me a ludicrous idea that a man should appeal to us to have his rent lowered by reason of his own personal habits being more expensive. We must take the average condition, the average mode of life of people of that class, and also the average size of the holdings. Those things of course must be considered, but neither should a man's rent be lowered because he is extravagant, nor raised because he is of a saving and thrifty disposition.

4040. Take another case: a man who has used his farm well, and kept it up highly, and spent his money upon it, or a man who has lived very closely, and used his farm badly, though you could not positively say he had deteriorated it, still he had not improved it, would that have any relation to the fixing of the rent, or do you exclude altogether what the man might be?
Of course, if he had improved his farm, we are bound then by law to see that, except so far as the 4th Section of the Act of 1870 intervenes, he should not be made to pay rent upon his own expenditure. We are bound to see to that; and in the same way, if the man has neither improved his farm nor deteriorated it, the matter just remains very much as it is; he is entitled to neither praise nor blame; but you must take the average circumstances of the case.

4041. Then in estimating the fair rental of the farm you neither take into consideration the character and position of the tenant, nor what competition might give; what is there left you by which you can lay down any standard by which to judge of the fair value that a man might give?
It is judged of, I apprehend, by the experience of men acquainted with the value of land. I do not know that you can put it further than that, at least no one has ever brought to my intellect anything more than that.

4042. Does it not come to this, then, that instead of competition that used to regulate more or less the letting of land in this country, it is actually the individual opinion of the person who has to settle the rent, with nothing to guide him except what you call experience?

Suppose this had taken place before the Act at all; suppose a landlord and tenant agree to appoint an arbitrator to settle the rent between them, that arbitrator would, I apprehend, just consider what would be a fair rent under the circumstances, and use his experience as a man acquainted with the value of land; that would take place in England as well as Ireland.

4043. Was that a constant habit in Ireland?

I think it was by no means singular; I have myself induced a landlord and tenant to do that, saying, "Will you leave the settling of this to So-and-so."

4044. Was not that on some preliminary understanding; the landlord might have said, "I will not let my land under 500 *l.*," and the tenant might say, "I will not give more than 400 *l.*;" in such a case as that you might appoint an arbitrator to see whether one was right or the other; but that is a different thing to fixing *ab initio* what the rent should be, is it not?

There is that difference, that the one is voluntary and the other comes from the law.

4045. When you apply a compulsory power in that way there must be confusion and uncertainty of principle, must there not?

I should not like to use the words confusion and uncertainty of principle, but there is a departure from the old principle.

4046. An individual might be guided by a principle, but it is difficult to find a uniform principle to govern a number of men is not that so; you have found it difficult to find a uniform principle to guide all the Sub-Commissioners?

It may be so.

4047. Marquess of *Salisbury.*] You said you did not admit the character or position of the tenant to be an element in fixing the rent?

Not of the individual tenant; but that is a different question. The general average of the tenantry of a district must be taken into account; but certainly the character of an individual tenant ought not to be.

4048. Then I will not ask you with reference to an individual case, but whether this is a correct report of your views in reference to the Worthington property. "Mr. Justice O'Hagan said the Court had decided to reduce the judicial rent in each of the cases, with one exception, by 1 *l.*, and give the tenants 1 *l.* costs. The reason for this decision of the Court was the increase of rent put on, the poverty of the tenants, and their deserving character." I suppose you would hardly acknowledge that to be a fair report of your judgment?

By no means. What we said was that they had been poor, but improving tenants; it was not said in relation to their poverty. They had been poor tenants who had improved their farms.

4049. Are you not a little hampered by the views of your judgments that are put into the newspapers?

Perpetually.

4050. Lord *Brabourne.*] On one other point let me ask you a question, that is as to what Lord Waterford was discussing just now; is it within your knowledge that any mortgagees, finding their security considerably diminished by the decisions of the Sub-Commissioners, have given notice of foreclosure?

That has not come before us.

4051. *Chairman.*] Let me ask you a question that I ought to have asked you before. You were asked about the Sub-Commissioners putting down a sum to represent the value of improvements made by a tenant as to which he would not have to pay rent, and you spoke of the case of Ulster as a case which would cause some embarrassment in the Sub-Commissioners doing so; how does it appear to you that the case of Ulster would differ from the rest of Ireland; I do not say that it does not differ.

I think

I think I gave your Lordship my ground of opinion, namely, the improvements there may be an element of the tenant-right, but they take the tenant-right as a whole and say, the tenant's interest in the land is so much, and the landlord's interest is so much; and then they say the landlord's rent ought to be so much, having regard to the tenant-right of the district. I do not myself profess to comprehend how the valuers of land value it in Ulster, but they do all go upon that idea, and we find that that is as much the case with the landlord's valuers as with the tenant's.

4052. That is consistent with what we have heard from other quarters, but does not that go to show that the clause which is called Mr. Healy's clause has no operation in Ulster at all?

I think it has little or no operation where the Ulster tenant-right exists. I do not know whether your Lordship observed in the case of Adams *v.* Dunseath (whether by accident or design the fact is so) that it was not proved that the case was subject to Ulster tenant-right.

4053. We know that in parts of county Antrim the Ulster tenant-right does not prevail, but taking a holding where the Ulster tenant-right prevails, and supposing the Ulster tenant-right to prevail on the way you have mentioned, namely, that the valuer says that the landlord's fair rent is so-and-so if a tenant where to sell his right, we know that he would get such and such a sum for it in the market; does not that altogether oust the consideration of improvements?

I hope your Lordship will not ask me to pledge myself to a judicial opinion.

4054. Pray do not imagine that I do so?

In that case I would be disposed to say that I agree with your Lordship.

4055. Lord *Tyrone.*] With regard to the redress that the landlord has, not only as to game, but other things also, there are circumstances in which a landlord may wish to use the powers he may possess, such as the power to give notice to quit, for instance, and tenants erecting Land League huts upon their holdings, or virtually sub-letting; tenants breaking the rules of the estate about taking in sheep upon mountains, and things of that description (I am only mentioning two, but there are many more); what redress has a landlord under the present Act if that is done by a tenant who has not taken out a statutory term; as tenant from year to year, his old redress would have been to serve a notice to quit; that as you have allowed, is taken away from him?

No, it is not taken away from him.

4056. It is stayed?

Nor would it be stayed either. It would only be stayed by an application to the Court, namely to the Civil Bill Court or the Superior Court, and if the tenant acted unreasonably they might refuse any stay.

4057. Who would stay it?

The chairman of the quarter sessions would stay it, or a judge of the Superior Court.

4058. It would not come before you?

No; the power of stay in that case would go to them.

4059. If the landlord could prove that the tenant had acted unreasonably you apprehend he would not stay it?

Certainly.

4060. He would refuse to stay?

Certainly he would refuse to stay, except upon the terms of the tenant ceasing to do the unreasonable thing.

4061. In the case we have heard so much of lately about erecting a hut upon a farm, he could take no other action against the tenant except proceeding by notice to quit, could he?

I am not aware that under an ordinary agreement for a tenancy from year to year that he could. If he has sub-let his holding and let another person into possession of a part of it, so as to deprive himself of being substantially the occupier or really the occupying tenant, he would be subject to a further penalty. Then he would be outside the Act of 1881, and unable to get a fair rent fixed.

4062. Would the landlord be able then to serve him with notice to quit?
The landlord would be able to serve him with notice to quit, subject to the tenant serving him with an originating notice to fix a fair rent.

4063. Suppose he is in occupation of part of it?
Those points may come for decision before us.

4064. I am not wishing to get a decision from you, but I think it is an important point?
That would be a legal question. I may say it was argued and contended before us very strongly within the last week that a tenant permitting a very very small portion indeed, a rood, or half a rood only, to be in the occupation of another person, that he was no longer the person in occupation of the farm, and that therefore we ought to hold he was not entitled to have a fair rent fixed; but it turned out upon the particular facts of that case that the landlord had impliedly consented to his sub-letting, so that he was still within the Act.

4065. The question that I am asking is an important one as regards the position of tenants-at-will in Ireland. Under this Act you will allow, no doubt, that they are placed in a very different position as regards any of those breaches of condition to what they were before?
They are placed in this different position that before the landlord can evict them on notice to quit they can come in and have a fair rent fixed, and in the mean time they can apply to the court in which the ejectment is pending to stay the ejectment.

4066. That might take a very long while, might it not?
That cannot take long; that is a matter of a few months.

4067. What I mean is this, the question of having their rents fixed might take a long while?
It may, owing to the present state of things.

4068. Therefore all those in Ireland, who stay outside the court, have the power of breaking these different conditions under the Act of 1881, without there being any redress in the hands of the landlord?
If your Lordship will follow what I have said I think you will see that that is not so.

4069. There is no redress until the rent is fixed, is there?
Certainly; the Civil Bill Court would not stay a proceeding if the tenant has acted unfairly or unreasonably.

4070. Viscount *Hutchinson.*] I think we may say that the present mode of proceeding is a little more cumbersome than it was before, may we not?
I cannot enter into the reasons of the Legislature.

The Witness is directed to withdraw.

MR. JOHN EDWARD VERNON, is called in; and Examined, as follows:

4071. *Chairman.*] YOU have had, I need not say, a long experience in connection with land in Ireland?
I have.

4072. Both as agent for property, and, I believe, as proprietor?
In both relations. I have been a land agent for very many years, and very extensively engaged.

4073. And you have been, I believe, a Governor of the Bank of Ireland?
I have.

4074. Do you happen to remember what is said to be the number of occupiers of agricultural holdings in Ireland altogether?

I think

I think in the evidence before Mr. Shaw Lefevre's Committee, it was taken roughly as 600,000, but I am not sure that that is perfectly accurate.

4075. Supposing the number to be that figure, or something like it, have you any idea how many of those would come under the Act of 1881, or to how many of them that Act would be applicable?

I take it that the 600,000 applied almost exclusively to agricultural tenants; they of course would be all included, save where they were excepted under special conditions, such as in pasture holdings, and others under the reservation section of the statute.

4076. And leaseholders?

And leaseholders, of course.

4077. Have you any idea what reduction on all those scores ought to be made?

No, I could not say what proportion the leaseholders bear to the ordinary agricultural tenants not holding by lease, but I should say that very much the larger number hold without lease in Ulster; the lease is quite the exception there.

4078. Have you in your mind any recollection of the rental which those 60,000 holders would represent?

No, I do not think we have any figures that give that with accuracy.

4079. I suppose, then, we agree that the number of actual proprietors of land in Ireland is very small in comparison with the number of occupiers?

Very small.

4080. There were arrangements made by the Act of 1870, under what were called the Bright Clauses, for promoting the purchase of holdings by tenants, and I think you stated, in your evidence before Mr. Shaw Lefevre's Committee, that you considered that those clauses had been a failure?

They had been an absolute failure; and at that time I gave some reasons why I thought they had been so.

4081. So far as experience has gone, in the short time since the Act of 1881 was passed, would you say that the clauses in the Act of 1881 on this head had been successful?

No; I could give you the precise amount of the applications made, and the orders made, if your Lordships wished it.

4082. If you have that information at hand we will be glad to take it, though, I think, we got it some time ago?

I think the whole amount is something like 84,000 *l.* applied for altogether.

4083. Lord *Tyrone.*] And how much has been granted?

I forget, but I can give your Lordship the precise figures.

4084. *Chairman.*] Does the 84,000*l.* you have mentioned represent money advanced upon the purchase of land by the Commissioners, and resold to the tenants?

No; it represents purchases by the tenant from the landlord entirely; there has been no sale to us of land from the landlord direct.

4085. Are you still of the opinion which you expressed in your examination before Mr. Shaw Lefevre's Committee, that it would be a considerable advantage to Ireland that there should be a large infusion of peasant proprietors?

I have held that opinion for 25 years, and I have not varied it in the least.

4086. You have seen no reason to change it?

Not the least.

4087. Will you let me ask you a question which does not go to the substance of that matter; how far down would you go in your view; would you desire to see occupiers of land, however small, become proprietors of their holdings, or would you stop at some point?

I do not think, if the principle of purchase be adopted, that you could stop at any

any particular point; I do not see my way to any hard and fast line; I quite see the great objections to very small holdings, but I do not see my way to avoid those objections.

4088. Would you think it desirable or not that any department which had the arrangement of those matters should have a discretion which should enable them to refuse to assist in making proprietors of very small holdings owners, if they thought the circumstances of the case were such as that they ought to refuse such assistance?

I think whatever body that duty was imposed upon ought to have power to refuse in any case where they thought the State was not sufficiently secured, or where the circumstances of the holding did not justify the purchase.

4089. I quite understand that it would be a natural provision to make that the money of the State should not be advanced where the security was not sufficient, but my question went beyond that. Supposing the opinion was that in a particular neighbourhood the occupiers were so poor or impoverished or unfitted for becoming owners, on that ground alone would you give a discretion to the department to refuse to assist?

I should on the ground of public policy.

4090. If you were asked the reason why the clauses of the Act of 1881 have not been more largely acted upon in the way of producing peasant proprietors, what reason would you assign?

I think the reasons lie very much in the state of the country at present, and in the expectation of better things.

4091. Better for whom?

I think the market is in favour of the buyer, and he thinks so.

4092. Marquess of *Salisbury.*] He anticipates that the estates will lose in value, you mean?

I think he anticipates he will obtain more favourable terms than are offered under the Act of 1881.

4093. Through legislation, or through consent of the landlord?

Through legislation.

4094. You think they look to future legislation?

I think they do.

4095. *Chairman.*] Do you mean better as regards the terms which will enable them to pay for their holdings, or more favourable terms in the sense of getting the land at a less figure?

I think they look to both causes operating.

4096. You mean they expect by future legislation that land will be deteriorated in value?

No, not by future legislation, but by existing legislation; they anticipate that land will be fixed at a rate which will be lower than the rate at which they can now deal, except where they have got their judicial rent, which is of course exceptional at present in Ireland. They also, I think, have been led to hope that they will get more favourable terms than the terms offered.

4097. Viscount *Hutchinson.*] You think they look to that?

I do.

4098. *Chairman.*] You mean easier terms for buying?

I mean easier terms for buying.

4099. Viscount *Hutchinson.*] They think that in a market, where there is very little competition, prices are likely to be low?

Naturally; they are masters of the market, as they are the sole possible buyers at the present time.

4100. And they are likely to remain so, are they not?

It is dangerous to prophecy, but it looks very like it.

4101. *Chairman.*] But do you consider upon the present arrangements that

are

are made by the Act of 1881, enabling tenants to buy, that there is any probability of their becoming buyers upon those terms?

They will not become buyers on the terms of the present Act on any large scale.

4102. Would it be possible for them under the present arrangements to become buyers without being under a heavier yearly charge than their present rent?

No, not at present; at the present rates of calculation of the value of the money as advanced by the State it is clear that they could not. It is quite possible that on a largely reduced rental they might come in on terms which would be lower than their original rent; that is quite possible, because I presume any one buying for the State would look not to the rent but to the value.

4103. With regard to the security you mean?

With regard to the security it would be a duty not to look to the rent, but to look to the value.

4104. One of the difficulties that has been pointed out to us in the way of sales being made at present is a difficulty of a different kind, that is, the position of tenants for life of such property in Ireland as is settled?

There is no doubt that that is a very obvious difficulty.

4105. You mean the position in which the tenant for life would stand to the money that was paid for the farm?

Of course he would be bound to invest it according to the trusts of the estate, and that means of course a very narrow limit of investment.

4106. Before coming to that, another difficulty has been pointed out in the clause in the Act of Parliament, namely, that the proceeding has to be managed through an application to the Court of Chancery, and the investment of the money there, and the costs have to be paid by somebody for all that?

Naturally that would have a very deterrent effect; if you are to pay a large sum of money for investing the proceeds of a sale at 3 per cent., it is quite clear that the landlord had better stay as he is.

4107. Supposing the money not invested at 3 per cent., but upon such securites as trustees are sometimes authorised to invest it upon securities that would pay very nearly 4 per cent., would the tenant for life selling at, say, 20 years' purchase be much of a loser by an investment there?

Clearly; if he sold at 20 years' purchase, and invested at 4 per cent., he would be a loser by exactly 1 per cent.

4108. Marquess of *Salisbury*.] That is assuming that there are no expenses?

I mean the mere investment.

4109. *Chairman*.] You take the rent as an absolute sum, and set it against the income of the security?

That would depend upon what 20 years' purchase means. Does it mean 20 years' purchase of the net, or gross? Of course, if it is 20 years' purchase of the nett, it is quite clear that the landlord is bound to lose upon the transaction.

4110. I mean to say 20 years' purchase, or whatever period it may be, of the rent which the tenant pays?

Yes.

4111. From that the tenant for life, I suppose, would have to deduct agency and taxation, and a certain sum for the greater risk of bad seasons, and so on?

If your Lordship's observations apply to the gross rent, I think the landlord would be a gainer if he got 4 per cent. upon the proceeds.

4112. Another difficulty has been pointed out to us in the way of sales, and which is a more serious one, the question of head rents; have you found that to be a difficulty?

Yes, under the Act of 1881 a power is given to the Court to give indemnity as against those head rents, but that is a matter of great difficulty. A power is given to the Court to saddle the Treasury directly with an indemnity against charges affecting land sold.

4113. How would that work; I do not understand it, I am bound to say, and do not know what it means?
The section of the Act has never been acted upon.

4114. Do you mean that you, the Commissioners, are to give your own indemnity?
No, we give the indemmity of a much better body, that is of the Treasury.

4115. Will the Treasury, do you think, agree to that?
It is in the Act of 1881.

4116. Do you mean an imdemnity against the head rent?
An indemnity against certain charges. The 26th section, at the end of the 5th sub-section, says, "The Land Commission may, if they are satisfied with the indemnity or terms offered or given by the vendor, purchase for the purposes of this section an estate subject to incumbrances." I think you will find it there.

4117. I do not in the least dispute its being there?
I mean that it is a legal matter, and therefore I am very likely to be wrong about it.

4118. It is prefaced by this; if you are satisfied with the indemnity or terms offered or given by the vendor?
Quite so; the vendor can indemnify us upon other lands. Then we can indemnify our purchaser. That is a remarkable power, and I gather that that would apply to the head rent if the vendor chose to exercise his power with the concurrence of the Court.

4119. At the same time that would require that the vendor had some other property on which he could cast the rent?
Clearly.

4120. If he were selling the whole of his property it would have no application?
It must be something tangible; he must have a tangible residue which he is able to charge.

4121. But apart from that power, which possibly would require a good deal of conveyancing and a good deal of expense if it were to be exercised, has anything occurred to you as to the course that might be taken with head rents?
I think we might be authorised to purchase them, and extinguish them on a basis to be laid down. Most of those rents have been converted under the Leasehold Renewal Conversion Act, and I think those could be purchased if a scale could be laid down on which the landlord could be fairly obliged to sell.

4122. Do you remember what the basis has been under which the head rents have been dealt with?
The Church Act does not allow them to be sold under 25 years' purchase. That is the minimum, but that has been found very high.

4123. Viscount *Hutchinson.*] Is not that about the average price of head rents in Ireland during the last 25 years?
I do not think it would be so now, unless the head rent carried something more than the absolute money. If the head rent, as is very often the case, carried minerals or game, the 25 years' purchase would be by no means too high, but if it is the mere money rent, I should doubt whether the 25 years would be had. The proof is that a very large proportion of the church rents have not been sold. They have not been bought by the parties who pay them.

4124. They offered a pre-emption of 25 years' purchase, I believe?
Yes, they had no power to offer them at less.

4125. Have

4125. Have they not realised 25 years' purchase in the open market?
Several of them have, but a great many of them have not been sold at all; the landowners have refused to take them.

4126. But then they were offered to the public, I suppose?
The public has been extremely abstemious upon the point. I do not think anybody has bought.

4127. *Chairman.*] What is your view with regard to apportioning the head rent. Suppose the case of a landlord selling an estate to his tenants, on the whole of which there was a head rent, what would you think of a plan of apportioning the head rent?
You cannot apportion it as against the landlord. Of course you could apportion it as they do in the Landed Estates Court; you could indemnify one lot by another; however, that is a question I really am not competent to answer. How you could fairly indemnify a purchase against the landlord, whose security overrides the whole of the property sold, I do not know.

4128. No doubt, without compensating him in some way, that is so; I only want to have your opinion upon the subject. May it not be possible to apportion it, paying the owner something for the diminution of value of the apportioned head rent as compared with the whole head rent?
No doubt, if we were prepared to go far enough. Suppose him to be a tenant for life, that he should receive that sum of money which, invested under the trusts, would produce the same income as the head rents do.

4129. That would be a purchase of the whole?
I mean the purchase of a portion; perhaps I misunderstood your Lordships.

4130. There might be two courses to be taken, one would be to buy the head rent out and out, at 25 years' purchase. That, of course, would require a very large sum to be paid out of the purchase money, and leave perhaps not very much remaining. But another course is possible, which is to apportion the head rent over all the holdings, and inasmuch as an apportioned and divided head rent is not so valuable as an undivided head rent, to make a payment to the owner of the head rent which would repay the diminution in value of the portion of the rent as compared with the whole rent?
No doubt that would be quite possible. I think very few proprietors would like to have their head rents apportioned in that way. It would make them very much more difficult to collect.

4131. But nothing else has occurred to you as possible to be done, has it?
Not in that direction, beyond purchasing them up. If we had the power of purchasing them up, I think it would be very desirable.

4132. A compulsory power?
I think not; I think it should be an enabling power. I do not think a compulsory power would be a just thing toward the owner.

4133. An owner in fee simple would not require any power?
An owner in fee simple would not have any difficulty, probably, if you gave him a fair price, but the limited owner would require a statutory power.

4134. What effect would either a statutory enactment or a statutory power have which would enable the Court to apportion the rent as between the tenants, giving cross-rights to one against the other, in case a share was levied from any particular holding?
I am afraid that would involve great litigation amongst the parties.

4135. You think that practically it would not work well?
I should be afraid of it. Of course it would work out equitably, but I think it would work out in a great deal of litigation.

4136. Now, putting aside the question of the tenants for life and the head rents, are there any amendments which you would suggest in the present arrangements, which, according to your judgment, would incline the tenants more than at present to purchase their holdings?

I should say an enlargement of the term for redemption in a two-fold way, of course, by a reduction of interest and extension of time. I think both would have to be dealt with.

4137. To take the case of a tenant who has had a judicial rent fixed, suppose an arrangement were put before him by which he might become a purchaser without increasing the rent which he is to pay, or somewhat diminishing that rent, do you think that, practically, that would bring in many of the tenants to become purchasers?

I think it would, but I do not think any calculation of the kind should proceed upon the judicial rent.

4138. What is your reason for that?

I think it would have a two-fold effect. In the first place, I think it would make the Act unworkable; every tenant who wanted to purchase would serve an originating notice, and add very much to the present difficulty.

4139. You misunderstood the question, if you supposed that I was putting to you the idea that as a preliminary to purchase there must be a judicial rent fixed?

That is what I understood your Lordship to say.

4140. I do not mean that at all, but to take the case of a person who has had a judicial rent fixed in order that I might have your opinion afterwards upon the case of those who have not had a judicial rent fixed; you understand the difference?

Perfectly.

4141. Taking the case of a man who has got a judicial rent fixed, and supposing that an arrangement was made by which he would not have to pay more than his judicial rent, would he be inclined, do you think, to become the purchaser?

I think so. Of course, if he is at all an intelligent man, he would calculate that in becoming a purchaser he becomes liable to certain burdens that he is not now liable to.

No.

4142. In what I said I meant to suggest, but perhaps I did not make it clear, that the aggregate of the payment he would have to make, both as regards rent and the increase of taxation that would fall upon him?

I think, no doubt, he would be inclined in such a case to become the purchaser.

4143. Speaking of the average over Ireland, can you tell me what the increase of taxation per centum would be to an owner as compared with a tenant?

I do not think I can answer that with any degree of accuracy.

4144. Would it be 10 per cent.?

I do not think I can answer that.

4145. It would be, I suppose, half the poor rate, and in case the tenancies created before a certain date, half the county cess?

Yes, the poor rate varies so very much that it would be almost impossible to say how much it would be.

4146. It has been stated here, I do not know whether you agree with it, that a rough average may be made of 10 per cent. for the addition that the proprietor would pay, as compared with the tenant?

I should be inclined to say that that would rather be under the figure. I should take the county cess at the average. The county rate in Ireland I should take at an average of about 1 *s.* 10 *d.* to 2 *s.* in the £.

4147. Half of that would be 1 *s.*?
That would be nearly 5 per cent. Then the poor rate in some parts of Ireland is very much larger than in others.

4148. Yes, but the question is the average?
Extending it all over Ireland, I suppose it would not be much over 10 per cent.; that would be taking the poor rate at 2 *s.* all round.

4149. Do you think if Parliament were to have in view the conversion of a considerable number of occupiers into owners, it would be desirable to wait for the fixing of a judicial rent?
Certainly not.

4150. I suppose it would take a considerable time?
It would take a very long time, and I think it might be open to very serious objections in every way.

4151. It might force tenants who had no desire to go into Court to do so, might it not?
Precisely.

4152. And also, I suppose, it is right to say that one element which might lead landlord and tenant to buy and sell, would be to escape the uncertainty and trouble and vexation of going into Court?
Precisely. There is another element; I think it would make the fixing of a judicial rent a matter of such vital importance, that it might be fought over a great deal more than it is at present.

4153. You think the higher powers would come to have an interest in fixing a judicial rent?
It might possibly so happen; I think it would be very objectionable.

4154. Lord *Tyrone.*] It would be quite possible for the tenant who wished to buy, if he had not had a judicial rent fixed, to agree with his landlord as to a statutory term out of Court, would it not?
Quite so.

4155. Therefore it would not be necessary, if you went on that principle, to bring him into Court?
No, I think it most desirable that any sale of the kind should be made before going into Court, and quite irrespective of that portion of the Act of Parliament which relates to the fixing of a fair rent.

Adjourned to To-morrow, at Twelve o'clock.

# *Die Mercurii, 26° Aprilis,* 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Norfolk. | Earl Cairns. |
| Duke of Marlborough. | Viscount Hutchinson. |
| Marquess of Salisbury. | Lord Tyrone. |
| Earl of Pembroke and Montgomery. | Lord Kenry. |
| Earl Stanhope. | Lord Penzance. |
| | Lord Brabourne. |

The EARL CAIRNS, in the Chair.

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Mr. JOHN EDWARD VERNON, is re-called; and further Examined, as follows:

4156. *Chairman.*] You hand in some statistics from the Land Sales Department, I believe?

I merely brought that document for my own guidance in the event of your Lordship's wishing to know what we had done.

4157. May I take it that that is a correct statement so far as you know?

I should say perfectly correct. I have not tested it by comparison with the figures myself, but I took it from the office.

4158. Would the amount which is here set down as the purchase money as agreed upon, include the costs?

No, the costs would be kept separate.

4159. We were speaking of the purchase clauses when the Committee adjourned yesterday. Allow me to ask you, supposing that the payment of the purchase money were made the subject in it entirely of an advance, and spread over a larger number of years, whatever the number may be, say, 45 or 50; is it your opinion that it is an operation which could be safely conducted by the State, and in which the State would not suffer?

I could not undertake to say that. I think it would be an operation attended with very considerable risk; I mean, supposing it to be simply an operation as between the tenant and the State.

4160. The State would have the security, not merely of what is called the landlords' interest in the land, but also of the tenants' interest?

No doubt.

4161. That would be in all cases a substantial, and, in many cases, a very considerable addition to the purchase money that would be paid to the proprietor, would it not?

In some parts of Ireland it would be at present very large. What it will develope into, in other parts of Ireland, we have not yet the means of gauging; I mean that where the principle of purchase has not been in operation, we have no actual figures to guide us as to what the value of that interest might be.

4162. Some cases have been mentioned to the Committee with regard to some parts of Ireland where tenant right, as it is called, has not been sold prior to this Act, and it has been stated to us that very considerable prices have been paid in the instances that have been mentioned?

I should expect that would be the case.

4163. Have any come under your notice?
One or two.

4164. We have heard of some being sold at a price as high as 17 years' purchase, and some even above that?
I should not have expected that in the south of Ireland; I should have expected that in the north.

4165. Mr. Scott, Lord Leconfield's agent, mentioned, I think, two cases of fully amount?
I should fancy that that may in some degree arise from the fact that Lord Leconfield's estate (I have no knowledge upon the subject, and only speak now from hearsay) is a very moderately let property, and the tenants have always been very greatly well treated by him.

4166. I suppose you would consider that there is a very marked difference as regards paying a sum in the shape of rent every year, and paying that which is an instalment of purchase money; a difference of this kind, that when rent is paid, we will say, for this year, the tenant begins again and pays it for next year, just as if nothing had happened; whereas if he pays one-fiftieth of the purchase money this year, he thereby becomes the proprietor of one-fiftieth of the property, and has never to pay that again?
Clearly; it adds a solid interest as regards the repayment of the principal.

4167. So that every year that passed over the security of the State would be increasing?
Necessarily, and increasing not alone in money, but in inclination to pay.

4168. So that if the transaction could be tided over successfully, we will say, for 10 years, it would become an extremely substantial security?
If you get over the first 10 years, I think the tenant would then have acquired a solid interest in his holding, which he would not easily relinquish.

4169. I am not sure that it has been made before the Committee, but a suggestion has been made that the transaction might be so arranged as that the payments should be somewhat in the nature of a coupon, or a piece of printed paper, which should indicate that if any of those payments were anticipated they would be discounted at whatever the current rate of the advance was, and the tenant would at any time know that he might have an advantage in making, we will say, this year, at a much less sum, a payment that would otherwise stand at a higher figure in a future year. Do you think that that would be tempting to any tenants that had saved money?
It would involve a very complicated account, and be very difficult to work, I think. I should prefer allowing him to pay the sum of money *in globo*, or in part reduction of the principal and interest, not by coupons but upon application; and that there should be a scale fixed on which he could pay off any proportion that he liked.

4170. So that they could, on application, discount any proportion, you mean?
Yes; and that they should be allowed to fall back upon that afterwards, in the event of pressure upon them, as a payment to the State. I do not think that it could be worked by coupon; at all events, I do not see at present how it could be so worked.

4171. I am not sure that I ought to have used the expression "coupons." I wished to indicate merely that, in some way, you should keep distinctly before the mind of the tenant the fact that if he paid by way of anticipation he would pay a smaller sum?
I think that that would be most desirable, but I think that he should retain a power of negotiating that with the State afterwards, if I may use that expression; that is, pleading it in bar to an application for rent at a moment when he was not able to pay a later instalment.

4172. It

4172. It might be a reserve against a rainy day?
Precisely; it would give him an inducement to save money. It would give him an inducement even temporarily to invest his money.

4173. It would be, in fact, as good an investment as he could find at any time in one of the country banks, would it not?
Better. Of course I need not point out to your Lordship that that would be attended with an enormous amount of book-keeping and work.

4174. Very likely it would. I suppose you agree that if the transaction were to be undertaken at all by the State it would be like the management of a certain amount of public debt?
Clearly; it would be in practice like a branch of the Treasury.

4175. It has been suggested that a mode of adding to the security of the State, and, to a certain extent, breaking the collision between the State and the tenants, might be brought about if a certain area of a poor law union, for example, were made responsible to the State for any overdue advances, or that the State might call upon that area to collect overdue advances from the persons who were indebted to the State, they having in return the power of proceeding summarily against those persons and their holdings; and it has been said that that would enlist, on the side of order and punctuality of payment, the solvent people within the area, and especially those who themselves had already paid up their instalment; what is your opinion of that?
I think that that might work, but not precisely in that way. I do not think that any Union should be called upon to guarantee any loss in respect of any case which they have not specially guaranteed. I do not think a general guarantee from the Union would be the right thing. I do not think a Union voting itself contributory (if I may use the term; I am sure the word is familiar to your Lordship) would be fair. I think no advance should be made upon that footing, save in a special case, which special case shall in every instance have received the consideration of those who are making the area of the Union liable.

4176. Let me quite understand you. Do you mean to say that you would confine the operation to cases where the Union indicated its willingness to stand security?
Quite so.

4177. But might not that be open to the observation that in the first place it would be a very cumbrous operation to bring the mind of the Union to determine whether it would or would not guarantee a particular case; and that in the next place it would leave open considerably the door to jobbery?
That is a door which you would find it very difficult to shut in any case on an operation of that kind.

4178. But it might not be advisable to open it wider than is necessary?
You have to deal in the first place with the very great difficulty in this matter. As I understand your Lordship to propose that the Union should be called upon to collect——

4179. I do not propose anything; I merely said that it had been suggested?
To sell or to realise the property, your Lordship means?

4180. Yes, that is the proposal?
I do not think they could be made to do that, and I do not think they would do it, looking at the position of the boards of guardians as they are and as they are likely to be. That would not be my idea of working it.

4181. Does it occur to you that any other area is provided with machinery that could work it better, a barony, for instance?
No, I think it ought to be worked differently. I think the Union should not be called upon to guarantee *in globo*. I think the guarantee, if given, should be a special guarantee; and I think the State should take upon itself the duty of collecting the money, with the power of coming down upon the Union for any

loss which the State might sustain. That is the form in which I think it might work best.

4182. Viscount *Hutchinson.*] But only in special cases, you think?
I think it would be scarcely fair to ask the Union to pay that which they have not guaranteed specially.

4183. So that the process in that view would practically be this: that in every case of sale where the security of the Union was thought necessary, first of all you would have to have a debate by the board of guardians as to whether they would accept the responsibility for the holding in question or not?
I think if you impose the liability upon them you ought to give them the opportunity of selecting the parties for whom they were going to give security. I think it would be a strong measure to take one of the Poor Law Unions and to induce them to become guarantors for the whole Union. I think it might end in the property of the country being absorbed altogether.

4184. *Chairman.*] With regard to your suggestion that the Union should not be the body to put in force the extreme measure of process, but that the Government should do that, and then come upon the Union for the deficiency, is not that open to the objection that all Governments would be tempted rather to take the thing easily and say, "We have tried to collect this and cannot do it, and we will now take what is a much easier body to deal with, and call upon the Union to pay us?"
Of course it would be.

4185. There is a process of law in the case of principal and surety which is called "discussing the principal," which means turning him inside out before you come on the surety; but the Government might not be disposed to "discuss" the debtor?
I think the Government could very easily take such powers as would enable them to come down upon the guarantor when they had the proof from the Commission that the security was exhausted.

4186. They might have plenty of power, but they might not be disposed to exercise it?
I think they would be more disposed to exercise it than any board of guardians I have ever met with.

4187. Then the alternative in the case of the board of guardians would be, if they did not exercise the power, to pay the money?
It would come back to the same thing. If they do not do it, what are you to do; you have to dissolve the Union; you have to appoint vice-guardians and the vice-guardians would stand *in loco* of the other guardians, and at the back of all, it is the Government still. We will suppose for one moment that the Union was contumacious, and I can almost believe in the possibility of that.

4188. Has such a thing ever happened?
As some of them are formed now, I think it is quite possible that it might happen. Supposing they refuse to collect, I believe the only mode that the Government would have would be to dissolve the Union; then appoint vice-guardians, and those vice-guardians are practically the officers of the State for the collection of that money. I think you must come back to the power of the State. If the State lends the money, and you make the Union liable for the loss, that must be the result, because in very many cases you may be able to collect part, and not the whole.

4189. Then to take your course, you make the Union liable for the deficiency; then would you leave the person really in fault, that is the original debtor, in possession of his property, another party having paid the instalment.
I should assume that the State would have sold him up before it did that.

4190. You mean making it a *sine quâ non*, or a condition precedent to going against the Union, that the State should actually have sold up the debtor?
Yes;

Yes; that they should have exhausted the security. I think that is the principle of all guarantees.

4191. It is not the principle of our law with regard to guarantees. Of course there is a great deal to be said for it, as a moral rule. In your evidence before Mr. Shaw Lefevre's Committee you made a suggestion upon another subject, if I remember rightly, which I should like to ask you something about. One of the objections to a system which would create a number of small proprietors in Ireland, by the aid of the State, is this: it is said that whereas absentee landlords in Ireland are a great evil, the State, by a system of this kind, would become a great absentee landlord for 30, 40, or 50 years, and would be drawing away out of Ireland these instalments, which either would or might amount to a considerable sum of money; that those instalments would be drawn away into the English treasury out of that country, and that that would be an exaggerated form of the absentee evil. You made a suggestion, if I remember rightly, as to the mode of creating or issuing stock which might be localised in its character, in order to meet that evil; would you explain to the Committee what the idea of your suggestion was?

The idea I proceeded upon was this: there are in Ireland, as appears by the returns, somewhere about 30,000,000 *l.* held on deposit.

4192. In local banks, you mean?

In local banks. I do not for one moment fall into the error of believing, as many people do, that that is entirely the property of the farmers. I know the contrary to be the fact, but still they do hold a very large proportion of it, and the average rate they have received for the last seven years would not exceed $1\frac{1}{2}$ per cent. It seems to me that there is an element of wealth there which might be tapped and applied to the purposes of the Land Commission. Of course the only way in which it would be tapped would be by offering them terms in advance of the terms they are now receiving. That would, of course, very soon I think draw a considerable sum of money, but it must be done in small sums. I need not point out to your Lordship that if it were done in large sums it would not meet the question at all, but I think if done in small sums it would gradually attract the savings of the people.

4193. How would you propose that that should be done?

The Government should raise the money, possibly at 3 per cent.; whether they could float a $2\frac{1}{2}$ per cent. stock at 90, I do not know; I suppose they could, and raise the money in that way amongst the people.

4194. I want to know how you would, if I use the correct expression, localise the stock. Suppose it was a public stock that it suited many people to take up, it might be taken up in England, might it not?

No, if it were held in small bonds it would be so inconvenient that it would not have any advantage over consols, and it would be very much more inconvenient to a large holder. One reason of making such a loan in small sums would be this: suppose for one moment it was made in large sums, that is 500 *l.* or so, it would then simply supersede Exchequer Bills, and be used in all the clearing transactions. That, undeniably, would not reach the object I had in view, and therefore I should issue it in small sums. Bonds in small sums are always inconvenient to large holders and will not be held by them.

4195. Lord *Brabourne.*] Is there any means of ascertaining the class from whom comes the 30,000,000 *l.* of deposits?

No, there are no public means.

4196. It is only speculation?

My experience has been derived as a banker chiefly.

4197. *Chairman.*] I suppose the banks know perfectly well?

I do not think they have it divided into classes.

4198. I do not mean to say that they have it in pounds, shillings, and pence? They could get it, of course.

4199. Lord *Brabourne.*] Is there any means of knowing whether it is in large or small sums?

No, there are no public details at all; the sources of information are perfectly private.

4200. Still the figures have been quoted in Parliament, the fact has been stated by the Prime Minister of 30,000,000 *l.* being the amount on deposit, and that there has been a large increase in the last 20 or 30 years, as you are aware?

No doubt that is so. The desposits are there, but it is a question as to the class to which those deposits belong.

4201. That we cannot ascertain?

That we cannot ascertain.

4202. You do not think we can found any argument upon that, as to the increase of prosperity?

I think more or less it indicates a redundancy of money seeking investment.

4203. And as the principal employment of Ireland is agricultural, I suppose we may gather from that that agriculture has not been so entirely ruined as some would have us believe?

I do not think agriculture in Ireland has been absolutely ruined, but I believe it has suffered very severely, as I believe it has suffered very severely in England.

4204. *Chairman.*] To pursue you observations about these bonds, is it your idea that the stock would be issued in the shape of debentures with coupons attached?

Clearly; very much in the form of the American Bonds, which you can either register or pass from hand to hand; they are better passed from hand to hand.

4205. The principal do you mean, or merely the coupon?

I should make interest and principal payable to bearer if they chose to have it so.

4206. Transferable by delivery?

Transferable by delivery, unless they chose to register. I would give them the option of registering; that I believe they have in all bonds now.

4207. Would you propose to make the coupons payable only in Ireland?

I should make them payable only in Ireland.

4208. At what bank; any bank would pay them, I suppose?

Any bank would discount them.

4209. I suppose a country bank would be as glad to take the coupon as it would a cheque?

Exactly, they would be primarily payable at whatever bank held the Government account, because of course the interest must be found there; but they would be cashed at every local bank, and would come in the next morning in the exchanges.

4210. What would the banks of issue say to that?

They would not like it.

4211. Lord *Penzance.*] You would not propose that the rate of interest should be more favourable than upon consols?

Quite the contrary; I should like to have it rather under consols if anything. If it exceeded consols it would be absorbed at once.

4212. However small?

Yes, however small; it would be absorbed immediately.

4213. *Chairman.*] If a stock of that kind could be floated and held in Ireland the result would be to counteract the evil I mentioned, would it not?

Very much so.

4214. What do you consider the effect of bonds of that kind would be upon the general state of Ireland, if held by the people of the country?

I think

I think the effect would be very favourable to the stability of the Government, and the peace and order of the country.

4215. It would enlist the body of the people, the holders of those securities, on the side of order?

Very strongly, and more strongly still perhaps, when they came to connect them with the primary security on which they would be charged, viz. the land itself, that is, the land sold to the occupiers.

4216. Let me ask you with regard to the proceedings of your commission, do you go at any stated times into the country for the purpose of hearing appeals, or only from time to time as you find it desirable?

From time to time as we are able to go. We have a large number of appeals to hear in the Dublin district. For instance, on Monday next we propose to go to Kerry, we shall be there a fortnight, and we then go to Cork; from thence on to Waterford and Kilkenny, and then to Galway; from the 1st May for the next two months, I do not think we shall be in Dublin, save for the absolute purpose of having one day in the week, for the hearing of motions "of course," which your Lordship will understand.

4217. When you are in Dublin I suppose there is a great deal of contentious business to be disposed of in the Court?

Yes, there are a great many applications. Now, it has very much come into appeals. We have been hearing appeals lately.

4218. How many days in the week do you generally sit?

Every day; from 11 to often 6 o'clock.

4219. Supposing that an effort were to be made to connect a certain number of tenants into proprietors in Ireland, do you consider that it would be desirable that some arrangement should be made to simplify the record of the title, and the subsequent dealing with it?

I think it would be indispensable; we have two difficulties; the first is the great difficulty, the second is the minor difficulty. The first is to clear the titles, the second is to keep them clear, and, of course, I need not point out to your Lordships that unless we have an effective record we cannot keep them clear.

4220. But I suppose if you create, or help to create, a small proprietor in a country part of Ireland, it is an idle thing to suppose that he can come up to Dublin and consult Dublin lawyers, and attend at Dublin offices about a transfer of his holding?

I think that might be worked in this way: when a sale is completed, and when the conveyance is taken by the tenant, I think it should be recorded in Dublin, but I think there exist in the country the elements of a very simple machinery for having a copy record, if I may so call it.

4221. A duplicate record you mean?

Yes, a duplicate record, ours being the primary record. The Clerk of the Crown and Peace is bound to have an office in every town of Ireland, and in a good Court-house, where he could keep his muniments, he might have a copy of those documents.

4222. In other words, there would be a head registry and branch registries?

I think they would be both necessary. I think it would be impossible to expect a small tenant of 20 or 30 acres of ground to send up to have his sale registered.

4223. You mean that you might have on the one hand some central spot where dealings with land all over Ireland could be investigated, and on the other hand local places of transfer for the convenience of the holders?

Quite so; I think both would be required. I may say there is just one difficulty about a record of title which I think probably could be amended by statute, and it is this, when a title is recorded, a man gets a certificate; he cannot negotiate that or deposit it in any way. That has been held to be a great objection.

4224. Do you mean that the law says the deposit of it will create no security?

It is no deposit within the meaning of a "deposit of deeds." That has been so held by bankers, and they will not take those certificates.

4225. I suppose that is not from the circumstance that it does not create a right, but that that right may be displaced by some person going and registering something before it?

Precisely. I speak under your Lordship's correction when I say that by recent decisions a deposit of deeds properly made without writings takes precedence of a mortgage registered at a later date, than the making of the deposit.

4226. I am afraid we get into very rocky navigation there?

I merely point out to your Lordship the difficulty that does arise, and that keeps men from utilising those certificates. It may be very difficult for a man with a certificate of holding to walk into a bank and raise 100 *l.* on it; he cannot do that because they will not lend on it.

4227. Lord *Penzance.*] You think that that ought to be done if it could be done with safety?

Yes, first to the mortgagee, and secondly to the lender; but that is a legal detail that I could scarcely give an opinion upon; I merely point out the difficulty.

4228. *Chairman.*] I suppose there is no doubt it would be an enormous advantage in any of those sales if the title has not already been passed by the Landed Estates Court, if a clear title could be given?

I think it would be indispensable that it should be done. A great number of the titles in Ireland are very clear and very modern titles.

4229. A great number have been cleared through the Landed Estates Court, have they not.

Yes; as to those which have not been cleared I think we should require the assistance of the Landed Estates Court. Some of those titles that have come before me require really very little, merely searches from the date of the conveyance. The Landed Estates Court conveyance leaves the statement of title short.

4230. One of those transactions of which we have been speaking, that is, an advance by the State on the occasion of the purchase by a tenant of the holding, would involve both a mortgage and a sale, would it not?

It would.

4231. What is done about the stamp duty; is there both a mortgage stamp and a sales stamp?

I fancy not, but I am not clear about that.

4232. Could it be avoided except by special legislation upon the subject?

I do not see why it might not be. The difficulty of course is this, the tenant holds one deed and the Commission holds the other; therefore two deeds are absolutely indispensable. That is where the difficulty seems to me to lie.

4233. However, whatever may be the rule or practice now, have you considered at all the question of whether as a matter of policy (if it be a matter of policy to assist in the creation of a number of proprietors) the State might not very rightly for that end put in abeyance altogether the question of stamps?

I think that is a mere question of revenue. It must give way to a great necessity, but apart from that I think there is a practical injustice in the double stamp.

4234. It would be very unjust to have a double stamp you think?

It would be very unfair I think.

4235. Still, as between man and man there undoubtedly would be a double stamp on a transaction of that kind, would there not?

No doubt, but it might be very easy to exempt one of the deeds as a statutable mortgage, the conveyance carrying its own stamp.

4236. With reference to the proceedings for settling a judicial rent, I want to read to you a statement contained in a petition to both Houses of Parliament, in which the petitioners, being owners of land in Ireland, and others living in Ireland,

or

or interested in it, say, "Your petitioners humbly pray that the principles adopted by the the Land Commissioners in the assessment of 'fair rents' may as soon as possible be made public. Secondly, the petitioners respectfully submit that while the operation of the Land Act of 1881 is necessarily of an arbitrary character, the inconvenience arising from such inherent defect would be minimised by a declaration of the principles adopted in its administration. Thirdly, that the speedy and ultimate result of such a declaration would be great acceleration in the application of the Act, lessening the number of appeals, multiplying the cases settled out of Court." Now a considerable body of evidence has been brought before the Committee by witnesses who virtually take that view. They complain very much of their entire ignorance as to what principles the Sub-Commissioners proceed upon, and they fancy to themselves at all events that great advantage would arise, and that great delay and expense will be saved if other persons who are lookers on could know what the principles were that they might act upon them; what is your view about that; is there any difficulty in ascertaining the principles?

There is almost an impossibility in laying them down in a definite line.

4237. I suppose it would be impossible to produce accurately a mathematical definition; you may say that no definition is accurate; still would there be any difficulty in giving a popular explanation of what the principles are upon which the Sub-Commissioners proceed?

That would involve a definition which I think would be very undesirable on many grounds, namely, as to what is the description and definition of the improvements.

4238. I do not suggest that?

That must come into any ruling on the finding of fair rent, I think.

4239. That, perhaps, might be open to question; is not that rather a separate matter? You first start with finding out what is a fair rent; then you may have something to say, no doubt, in order to complete the transaction, about the improvements afterwards?

That is not the way that I should start about it; I should first find the gross rent, and then find the deductions.

4240. I am not sure that we do not mean the same thing. When I spoke of the fair rent, I meant the rent that would be paid if there was no question about improvements at all?

I understood your Lordship to mean by fair rent the judicial rent.

4241. I used a wrong term. I meant to say in order to get at the judicial rent there are two processes to be gone through apparently, at least so some of the witnesses say, namely, that you first ascertain what the rent would be if there were no question raised about the improvements at all, and then if there is a right on the part of the tenant in respect of improvements, you ascertain what that right is, and make that a subject of deduction?

There can scarcely be any rule in the mind of most valuators. A valuator would go forth, and he would say, that looking to the circumstances of the districts he thinks that such and such a farm, with its equipment, whatever it may be, if in the hand of the landlord to-morrow is worth so much. Then he would, apart from that, give us a schedule or return of things which are tenants' improvements under the different views of what the tenants' improvement are.

4242. Could not the Sub-Commissioners do that?

I do not think they could do it on paper.

4243. Marquess of *Salisbury*.] Do I understand you to imply by that that a fair rent is what the holding would be worth in the hands of the landlord, minus the value of the improvement?

That is not my idea. My idea of a fair rent, was fair rent as used in the Act of Parliament, which means the payable rent after all deductions.

4244. *Chairman*.] You use the word fair rent as equivalent to judicial rent?

Quite so.

4245. That is the accomplished calculation?
The accomplished calculation.

4246. We were trying to look at it in its elements, and you, as I understand you, say that a competent skilful valuer would go through the two processes; he would say what he thought the farm would properly let for, if entirely in the hands of the landlord, and proceeding out from him for the first time; and then on the other hand, if improvements that have been made by the tenant, what allowance should be made in respect of them, and he would set the one against the other, and the result would be the judicial rent?
We do not desire the valuator to do that. We make him give us those items, and then those items are subject to evidence before us upon appeal, and subject to be contradicted. We make the deduction; we do not let him make it.

4247. Do you mean that you get the figures on both those heads, and that what would be done with those figures would depend upon your view?
Precisely, upon the evidence adduced. I need not point out that evidence might be adduced to show that an improvement as a question of fact had not really been made by the tenant, or that it had been made by a person who was not his predecessor in title. A variety of questions might come in in that way.

4248. Lord *Penzance.*] You mean not merely the figures, but that the valuator sets down the value of such and such improvements, and puts that before you?
Quite so.

4249. Then you inquire into that with a view to deciding whether they are improvements that ought to be charged on the part of the tenant?
That is our duty.

4250. Marquess of *Salisbury.*] The basis would be the calculation of what the landlord could let the holding for, if it were proceeding from him for the first time?
That is my idea, and the idea on which we act in the Court of Appeal. We take the farm as in the hands of the landlord, and if he had to let it to-morrow discharged from all tenants' interests, and tenants' claims, and deduct from that whatever fair claims the tenant has under the statute. Practically we take the farm as it stood in 1869, and deduct from that the effects of the Acts of 1870 and 1881.

4251. *Chairman.*] Do the Sub-Commissioners do the same thing?
I cannot undertake to say that; I believe they do.

4252. Why should not they be asked to do that?
I believe they are quite aware that that is the view that our valuators go upon under our directions.

4253. Marquess of *Salisbury.*] When you speak of deducting 1870 and 1881 from 1869, what part do you deduct?
I mean the effects of the Act of 1870 and 1881 upon the land as it stood in 1869.

4254. Lord *Brabourne.*] Before the Act of 1869 the landlord could let the farm by competition, could he not?
Quite so; but when we speak of the farm in the hands of the landlord, I mean in the hands of a landlord who would not let it by competition but to a solvent good tenant.

4255. But still he might let it by competition among solvent tenants, might he not?
No doubt the competitive element must come into it.

4256. Now that condition of things has ceased, has it not?
Quite so, and I take the operation of the two Statutes as reducing the value fixed by competition.

4257. *Chairman.*]

4257. *Chairman.*] In the cases governed by the custom of Ulster, do you or do the Sub-Commissioners go into the question of improvements separately?

Not if the tenant elects to stand on the Ulster tenant-right, because the Ulster tenant-right should cover all improvements. A tenant has a right to sell, but he must sell either under the customs or under the provisions of the 1st Section of 1881.

4258. So that it is not obvious at first sight that the Clause which is called Mr. Healy's Clause has much application to Ulster; when I say Ulster I mean where the Ulster tenant-right prevails?

Practically, I should say that all the tenants would prefer to sell under the Ulster custom.

4259. And to have their holdings valued under it?

And to have their holdings valued under it; and I think they would have a right to that.

4260. There were handed in to the Committee on a former occasion two forms of valuation which had been prepared by your valuers, Mr. Gray and Mr. Russell, I think, showing the details which they specified in reference to the valuations they were conducting. The Committee asked your colleagues whether they saw any difficulty in the Sub-Commissioners furnishing the same character of information that your valuers did, and they appeared to think, if I understood their evidence rightly, that they did not see any difficulty in that; do you see any?

No, it involves nothing but more labour, it may make them a little slower in their progress.

4261. Lord *Tyrone.*] With regard to the purchase clauses, I think by what you have handed in to-day, we may suppose that they are not working at present?

Quite so. I think that that return, as the result of the proceedings since August, would indicate that.

4262. Have you any anticipation that they are likely to work in the future in their present form?

I do not think they will; at least there is no appearance of it.

4263. Is the operation of the Act upon the position of the tenants one of the causes of that?

Clearly; if the same terms that are offered in the Act of 1881 had been offered five years ago, they would have been accepted very cheerfully.

4264. With regard to the suggestions you made before Mr. Shaw Lefevre's Committee, did not you at that time suggest that the landlord and tenant should agree as to the capital sum to be paid?

I did; that is my recollection.

4265. Is that your opinion now, if there were any improvement in the purchase clauses?

Of course the landlords' and tenants' agreements must be subject to the sanction of the State, which lends the money.

4266. That is a matter of course, but the question I meant to ask was this, whether you would prefer that the landlord and tenant should agree out of Court, or that the Court should fix a hard-and-fast-line, as the purchase money to be advanced?

I think it would be very much more desirable that the landlord and tenant should settle the matter outside the Court. Of course they must settle it within such limit as will leave the State safe.

4267. You think that if the landlord and tenant agree out of Court, the State should be prepared to advance the money, providing there was sufficient security?

Yes, provided that whoever represented the State was satisfied that the holding offered proper security. The words in the present Act are, that they shall be satisfied with the security; of course the higher the proportion of purchase money, I need not tell you, the worse the security for the State.

4268 Is it your opinion that that would be the best form in which to make these clauses workable?

I think so; I think they would work better in that way than in any other, and with less expense.

4269. Do you think that the tenants would be inclined to buy if they had to pay a less sum to the State than they have to pay a present in rent?

It is difficult to say what the tenant would do. I think the tenant at present is in such a state of mind, that he is looking out for the future; and I do not think he quite knows his own mind. I think that if things settle down, the tenants would be anxious to become their own landlords if they could do so by a certain payment at any rate not exceeding their present rent.

4270 Marquess of *Salisbury*] If the Parliament of England could be removed for a short period so that they could not hope for anything further from legislation, then they might be willing to buy at present you think?

They might hope for something from other ways of acquiring property.

4271. Do you mean some more direct way?

Yes.

4272. Lord *Tyrone*.] At the time you gave the evidence which I before referred to, you mentioned that the manner in which the purchase money was originally arrived at by the Board of Works was their taking the valuation at 30 years' purchase of Griffith's valuation?

Yes; but then they had only the power of lending two-thirds of that, and that was on the rental as settled by the Landed Estates Court.

4273. Therefore taking the value at 30 years' purchase, they would lend an amount representing 20 years' purchase?

They would.

4274. At that time you were of opinion that the tenement valuation was a very bad standard?

A very uneven standard.

4275. Is that your opinion still?

Yes, it is a very uneven standard.

4276. And you would be against any arrangement carried out on the same lines as that which you objected to at that time, namely, on the tenement valuation at a number of years' purchase?

I think it would lead to erroneous conclusions; comparing the north with the south, for instance, different results would be brought out.

4277. Do you think that it would be also difficult to take the judicial rent as a standard?

I do; I think it would be both difficult and dangerous.

4278. As regards the Sub-Commissioners, we heard from Mr. Litton that they were to be retained in the localities in which they had learned their business; have they been so retained?

No, I do not think so. I was not aware that that was the arrangement. They have been retained in some cases; in others we have thought it better to remove them. In the first place, the increase in the number of Sub-Commissioners has varied the districts. The adding of four districts, it is clear, obliged us to break up a great many of the others.

4279. Do you not think it would be advantageous to keep the men in the district in which they had learned their business?

There are advantages, and I think there are objections to that, though I need not point them out.

4280. There are four arrangements in the Act which we have had a certain amount of evidence about. One, of course, is as to purchase; you say that that is not working?

That is not working.

4281. Is the provision with regard to emigration working?
No.

4282. As to reclamation of waste land, is there anything being done under that?
No.

4823. We have had, of course, evidence as to the arrears showing that that clause does not work?
The amount advanced altogether is small, but the cause of that is very obvious.

4284. *Chairman.*] What is the cause of that?
The objection to lend money to the landlord on his own personal security.

4285. Earl *Stanhope.*] With regard to emigration, one witness has told us that it was necessary to form a separate commission for the purpose of emigration, and that it could not be managed by the head Commissioners; what is your view as to that?
I do not see that that is necessary; I think the difficulties lie in the statute. I think the statute as it stands at present would be very difficult to work.

4286. Take the boards of guardians first of all?
The difficulty has arisen from a want of power on the part of the board of guardians to give the security which the statute requires.

4287. Lord *Brabourne.*] There is no body which has that power, is there?
No; the words are very stringent with regard to the security to be given.

4288. Earl *Stanhope.*] There is another question I should like to put to you as to the Sub-Commissioners. According to my view, it seems to me that if they could get a valuation of the land before they heard all the evidence, it would expedite their business immensely, and that there would be fewer appeals; do you at all agree with that?
I think that would remove their *raison d'etre.* I think that the present system must end by a valuation, and I think it might as well begin with one.

4289. Viscount *Hutchinson.*] Do you mean a general revaluation of Ireland?
Substantially we are revaluing Ireland. You have two concurrent valuations in Ireland, one for the assessment of taxes, and one for the fixing of rent.

4290. Do you look upon what is going on now in the operation of the Land Court as a permanent valuation of Ireland, or merely a valuation for 15 years?
That is a question I should rather not answer, because it would be only a guess. My own impression is that it is a perpetual valuation.

4291. Marquess of *Salisbury.*] But is not that assuming that the prices of produce will be perpetual?
Unless there is some very material change in favour of the landlords, I think very few of them would like to embark at the end of 15 years upon a new crusade for the purpose of raising their rents.

4292. But what about the tenants?
I am not prepared to say what would happen. That must depend upon causes which we really cannot judge of now.

4293. Earl *Stanhope.*] May I ask you a question about the listing of cases. It has been the practice of the Commissioners to take the first cases on the list without reference to their importance or otherwise, has it not?
No, not quite. It has been the custom, in all cases of evictions, to give them the earliest hearing we possibly could. With regard to all the others, I do not think we could measure the importance of one case much against the other; they must come up in order.

4294. Marquess of *Salisbury.*] Could you not group cases upon the same estate together more than you do; it would save much expense on the part of the landlord, and probably some on the part of the tenant, would it not?

We have tried to do that as much as we can, but in very many cases the proprietors' estates lie in different unions, and that makes it very difficult. Wherever we can, I think it would be a very legitimate action and a very right thing to do, assuming the parties to wish it. Sometimes a landlord is not in a great hurry to have his cases listed.

4295. Earl *Stanhope.*] Do you see any way of reducing the enormous expense of each case?

I do not see any way of doing that, because that expense does not arise from us at all. That is an expense that is entirely separate from our Court. The case is got up, of course, by legal people, and we have no power of controlling them out of Court.

4296. Lord *Brabourne.*] I should like to ask you whether you concur in the opinion given by one of your colleagues, to the effect that the settlement of cases, up to the present time—the number settled being about 10,000 out of 80,000—still gives hope that there will be a clearing off in not an unreasonable time of the remainder, and a freeing of the Courts, so that they could go on fairly, and without impediment?

I think a great deal will depend upon what action takes place out of Court. The number of cases dealt with has been, I think, precisely what your Lordship states, namely, 10.000, but I think they will be dealt with much more rapidly now, and I think they could be dealt with very much more rapidly if they were dealt with more upon a principle of valuation than they are at present.

4297. Would it not be more likely that cases would be settled out of Court in greater numbers if some definite principle of action were known to the public upon which the Courts acted, so that the decisions, having been given by the inferior courts, and affirmed or reversed upon appeal, the public might have some more certain information than they now have upon the subject?

I think that will come out practically in the action of the Court of Appeal. When they find that the Court of Appeal is regulated very much by what I have stated I think you will find that that will indicate the mode by which to dispose of a great many cases between landlord and tenant.

4298. But until that is the case, the uncertainty which prevails as to the principle of action, tends to prevent settlements out of Court, does it not?

I think there must be always a great deal of uncertainty in the valuation of Irish land.

4299. And of any land, no doubt?

Yes, of any land.

4300. Still, rents having been fixed in certain districts upon an average, if the principles upon which they were fixed was known, would not that tend to the settlement of a great many cases out of Court?

There must always be those elements of calculation brought in that I have referred to. Assuming that we arrive at what I may call the gross rent, the question of the value of the deductions will always be a very difficult one.

4301. Is it more difficult in Ireland than in England? I valued a great many farms in old days for assessment, and the principle then used to be to value the whole farm at so much per acre; then to value the buildings, and deduct from the whole rent a per-centage that we put upon the valuation of the buildings, for the purposes of assessment. Is it not precisely the same in Ireland, except that in England the improvements have been made by the landlords, and in Ireland by the tenants?

A great difficulty arises out of that, as to finding out what is the value of the tenants' improvements. The value of the landlords' improvements can always be measured much more easily; it is generally a much more definite improvement, and an account has been usually kept of it; but when you come to measure an Irish improvement a very great element of uncertainty attends it.

4302. We were told by one of the witnesses that the large estates in Ireland were as a rule fairly rented, and that the small estates were more highly rented, and that he anticipated that the rents of the small estates would be brought down to the standard of the large estates, and that in that way an equitable standard would be arrived at; do you think that that has been the case at all?

I do. We have not had before us very many of the large estates. Up to the present time most of the cases that have come before us on appeal have been cases from the smaller estates. I think it will be generally found that the large estates in Ireland are more moderately let than the smaller ones?

4303. You see no reason to contradict the assertion made by the Bessborough Commission, and I think in Parliament also, that, as a rule, the landlords in Ireland have not been exacting enormous rents from their tenants?

I do not. At the same time I have found rents higher than I expected. Sitting as a judge I have found more rack-renting than I believed to exist. I cannot say that I found it on the larger estates, but certainly it has been so on the small estates.

4304. Marquess of *Salisbury*.] Are those mainly estates that have been disposed of under the Encumbered Estates Act?

Yes; those I think are almost the worst.

4305. Lord *Brabourne*.] Is it true, as has been stated to us by several witnesses, that whether a man has been rack-renting his tenants or whether he has been giving them a fair rent, the reductions in a great many instances have been very much the same, and that, therefore, the result has been that the man who has been dealing hardly with his tenants and renting them highly, has got a great advantage over the man who has been moderately renting?

I cannot say that I think that; I do not think that we should be fit to sit as a Court of Appeal if we were open to such criticism as that.

4306. The cases may not have come before your Court of Appeal; there may be many reasons why the landlord has not appealed, but you do not think that the assertion which has been made with regard to the Sub-Commissioners' Courts is correct?

Unless I had the individual instances, I should be unable to deal with them, but that is not my impression. I think amongst the Sub-Commissioners there are many men very competent indeed to assess a fair rent, and very well inclined to do it.

4307. Are you able to draw any distinction with regard to the rents which have been exacted or asked from the old estates of Ireland, and those under the Encumbered Estates Court?

Do you mean in exact figures or merely generally.

4308. Simply generally?

I have no doubt the estates sold, particularly where they have been sold in small lots under the Landed Estates Court, have been very much more highly rented than the estates of the larger proprietors, who in very many cases have not altered the rents for a number of years.

4309. Marquess of *Salisbury*.] I suppose the buyers under the Encumbered Estates Court treated it as a mere investment?

Simply, and in many cases that have come under my observation they squared the rental by the purchase-money.

4310. They were rather invited by Parliament to consider it as a mercantile speculation, were they not?

Clearly.

4311. Lord *Kenry*.] I should like to know whether you think the working of the Act is at all damaged by the amount of arrears existing at the present time?

I think there is no doubt about it, and that those arrears prevent tenants from

coming in; in fact, there is no doubt about it. It keeps them in a state of contention and warfare.

4312. Is there any suggestion that you would like to make to the Committee upon the subject?

I would ask your Lordship not to press me upon that point, because I have been consulted by the Government upon the subject, and perhaps my opinion was an official one. I have no doubt that some steps should be taken to deal with that matter.

The Witness is directed to withdraw.

Adjourned to Friday next, at Twelve o'clock.

# *Die Veneris, 28° Aprilis, 1882.*

LORDS PRESENT:

| | |
|---|---|
| Duke of NORFOLK. | Earl CAIRNS. |
| Duke of MARLBOROUGH. | Viscount HUTCHINSON. |
| Marquess of SALISBURY. | Lord TYRONE. |
| Earl of PEMBROKE and MONTGOMERY. | Lord CARYSFORT. |
| Earl STANHOPE. | Lord KENRY. |
| | Lord BRABOURNE. |

THE EARL CAIRNS, IN THE CHAIR.

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MR. STANISLAUS J. LYNCH, is called in; and Examined, as follows:

4313. *Chairman.*] You are the Registrar of the Landed Estates Court, I believe?
I am.

4314. Can you state to the Committee what sales, in the course of the last two years, have been made in your Court to tenants?
I have Returns here of the sales. We have already furnished the Argyll Return, which gives the sales of all classes of interest which would come under the Land Law from 1865 to 1875 inclusive. There was then a continuation of that Return made, on the motion of the Duke of Argyll, in 1880, and I have got summaries of the sales. Those Returns, I think, would be useful for reference.

4315. Down to what time do those Returns come?
They come down to the end of 1878. I have then made out a Return of the sales of 1879 and 1880, and I have shown on the Return with the letter "T" where the tenants bought. Then I have a short Return of the sales to tenants in 1881-82.

4316. Lord *Tyrone.*] Has the Duke of Argyll's Return, that you refer to, been published?
Yes. Then there is a continuation of that Return, and I am not aware whether that was ever printed. I have got here a rough summary of it, and it is in your Lordships' House.

4317. *Chairman.*] The one which is printed you need not hand in; but the continuation of it you will be good enough to hand in?
It is a long Return, and I have only got the summary of it here. I have compiled from those two Returns a short summary, which gives the averages of the prices in every county in Ireland.

4318. Then, perhaps, it will be more convenient if in place of putting in either of the long Returns you put in your summary; that will no doubt answer our purpose?—(*The document is handed in.*)

4319. This only comes down to the year 1878?
That carries it down to the year 1878. I have now a Return from 1st November 1879 to 1st November 1880, which I got made out when I was aware that I was to be examined here.

4320. This shows the average number of years purchase in each province for each year embraced in the Return No. 1, and the average rate for all Ireland; according to that the average for all Ireland in 1865 was 20 years' purchase, in 1866, 20½; in 1867, 21; in 1868, 22¼; in 1869, 21½; and in a portion of 1870, to 1st August 1870, 20½ years' purchase?

The Return was made for the first half of 1870, before the Land Act was passed, and then continued for the second half.

4321. For the remainder of 1870 it appears to be 21 years' purchase; in 1871, 23½; in 1872, 22¼; in 1873, 22¼; in 1874, 20½; in 1875, 22¼?

Yes; then this is the summary for 1876, 1877, and 1878. (*The document is handed in.*)

4322. This shows that in 1876 it was 22½ years' purchase; in 1877, 22½; and in 1878, 23¼?

The next Return that I hand in is from 1st November 1879 to 1st November 1880. I do not give in that the average of Ireland, for I had not in fact time to get it made out; but I give it in provinces and counties. It shows in the outer column the various rates in every case, and those marked with the letter "T" are purchased by tenants. (*The document is handed in.*)

4323. This becomes a Return of each property sold?

The Argyll Return is the same.

4324. But it does not give any average for the year?

It does not give any average for the year.

4325. This is for 1879 and 1880?

Yes.

4326. Has this been laid before the House?

No; I prepared that for this Committee.

4327. Then you have a Return for 1881?

Yes; the Return from 1st November 1880 to 1st November 1881 is confined to the sales to tenants, because I was unable, within the short time at my disposal, to make out the other particulars.

4328. Have you any Return for 1882?

I have a short Return of sales to tenants and to the Irish Land Commission from 1st November 1881 to 17th April 1882.

4329. What is the meaning of this entry that I see, "Sold to Land Commission?"

Those are two cases, where the Land Commission purchased from our Court; they had, in fact, made arrangements with the tenants.

4330. Arrangements to sell to the tenant, virtually through your Court, you mean?

Yes.

4331. I see in one of those cases the property which was situated in the county of Meath was sold at 16 years' purchase.

Yes; that appears to be so; and I believe that last year the owner refused 20 years' purchase for it.

4332. The owner refused 20 years' purchase for the same property?

For the same lot; and there is a portion of the same estate there which was sold in another period of the year, which brought a higher rate, that is, Ker's estate. In the Return for November 1881, I have a lot of the same estate sold at 21¼ years' purchase.

4333. Here is an estate in the county Down, "Robert J. Kennedy, leasehold, 52¾ years' purchase;" where was that situated?

It was situated, I think, not very far from Belfast. It is not at all what one would call town park or anything of that kind, but if I may make an observation with reference to these tables the averages which I have handed in are very misleading, because one sale in a county will disturb the average altogether,

gether, and you cannot rely upon tables of averages as in any way giving you even an approximate idea of the selling value of land in any county. That Return of the Duke of Argyll gives every estate, and on every estate you must estimate the various rates and consider the circumstances under which the price is arrived at. My experience is that the tables of averages are very misleading that way. I would like to hand in as part of the Return for 1879–80 a rental the Marquis of Conyngham's estate.

4334. Before handing it in, will you tell me what the object of it is?
The Return of 1879-80 would be incomplete without it. This was a very large estate, and we sold a number of lots upon it, the majority of them, I think, to the tenants.

4335. Viscount *Hutchinson.*] Is that in the county of Clare?
That is in the county of Clare. This summary, in fact, could be attached to that Return, and form a part of it.

4336. *Chairman.*] I am afraid that it is a very large book, from what I see before you?
I merely propose to detach a summary from this rental, and attach it to the Return. I think it is worth looking at, as showing the averages of the sales. All these lots were sold to the tenants.

4337. This is in county Clare?
In county Clare.

4338. And when were the sales made?
The sales were arranged between November 1879 and November 1880.

4339. What was the average?
The rates varied from 40 down to 22 years' purchase, according to the value.

4340. How many sales were there?
There were 77 lots, I think, and perhaps about half-a-dozen of them were not sold, or it may be more. (*The document is handed in.*)

4341. Viscount *Hutchinson.*] The rates varied from 40 to 22 years' purchase you say; do you mean upon the rental or upon the valuation?
Upon the rental. It is a lowly let estate. The only lot which was not sold to a tenant was lot 67; that was sold to a Mr. McMahon. He bought it for 5,600 *l.*; that was at 23¼ years' purchase. Having bought it he made an arrangement with the tenants that he should give them leases for 99 years at an advance of 20 per cent. upon the rents which they were then paying; the facilities were not sufficient to enable the tenants to buy, and they were quite satisfied that he should buy and give them leases for 99 years at an increase of 20 per cent.

4342. *Chairman.*] Then it was not really a sale to the tenants?
Not at all. He became owner and remains the owner, making leases to them for 99 years. That was not an arrangement to which we were parties in any way; I got this Return from the gentleman's solicitor himself.

4343. When was that sold to Mr. McMahon?
Between November 1879 and November 1880. I could not exactly state the month, but I have put a note of it upon the document. Besides the class of estates which is included in the Argyll Return, and which would come under the Land Laws, we sell other interests; we sell life estates, town property, houses, rent charges, annuities, and leases for short terms; and I should like to hand in a return of the purchase money from 1864 to 1881, showing the average years purchase for each of those years.

4344. Of what interests?
Of all interests, including life estates, short leases, annuities, and every class of estate that we sell, no matter how small.

4345. That may be a very valuable Return to Parliament, but I do not know that we should require it for this purpose?

In one way it shows the falling off in the sales in our court within certain periods. (*The document is handed in.*)

4346. Lord *Tyrone.*] How do you account for that falling off at certain periods?

The periods are of a marked character. We sold in 1869 1,168,857*l.* worth of property, and in 1870 we dropped to 757,218*l.* That was caused by reason of the uncertainty as to the result of the legislation then pending in regard to the Land Act of 1870. Immediately after that Act passed, the sales rose again to their normal condition, and above their normal condition; they went up one year to 1,700,000*l.*, and in another to 1,400,000*l.*; in 1878 they were 1,217,027*l.* In 1879 when the agitation commenced, they fell to 799,008*l.*; in 1880 they fell to 329,548*l.*, and in 1881 they fell to 311,256*l.*

4347. *Chairman.*] What is the state of things in the Landed Estates Court in the present year?

In the Landed Estates Court at the present time we are selling no property at all, or hardly any, I may say, except house property; comparatively speaking, we are selling very little; men do not know what they are buying; there is a panic in relation to land. I think the Returns will show that any sales that we have made up to perhaps the last month or so have been made at fair average prices. There is no competition, but men who have come in to buy, whether tenants or others, have paid a fair price for the land except in one or two cases. That case in Meath, for instance, that has been referred to, and one or two others, appear to be low.

4348. Have there been in the Landed Estates Court this year applications for sale at the instance of creditors, mortgagees, and others?

The petitions are coming in as fast as ever, and we are reading the titles and preparing conditions of sale; but the mortgagees are up to this time abstaining from pressing on the sales, because they are unwilling to sacrifice the property until they see what is going to happen. I do not think that that forbearance can last.

4349. There are, you say, as many applications for sale as ever?

We have as many petitions as ever for sale. Our statistics would show, I think, that there is no falling off in the number of petitions.

4350. But scarcely any property is being sold?

Scarcely any property is being sold.

4351. Viscount *Hutchinson.*] I understand you to say that the prices have not fallen off, according to your experience?

I think the Returns I have handed in will show that anything we have sold (except, perhaps, one or two lots within the last month or so) has realised a fair price; it was a matter of contract.

4352. Does that indicate that in the few cases in which a sale has actually been made there was something in the circumstances of the case which made it convenient for the purchaser to pay the price that the vendor was willing to take?

I think the bulk of those sales are to tenants; in 1881 the bulk of our sales have been to tenants.

4353. Have you had, in the present year 1882, sales to tenants?

The small Return I have handed in will show the sales to tenants since the 1st November 1881.

4354. There are seven sales in this Return for the year 1882?

We make up our returns from November to November; that is one from the 1st November 1881 to the 17th April 1882.

4355. That

4355. That is for six months?
Very nearly.

4356. And there are seven sales in that time?
Yes.

4357. One of the largest is the one you referred to just now, near Belfast, that of "Robert J. Kennedy, leasehold"?
Yes.

4358. Then there is another in the county Down, Jane O'Donnell, purchase money, 2,300 *l.* Then there is another in Cork, that is the Fitzgerald property, two in county Meath, and two in Roscommon?
Yes. I have here a small Return which will probably answer the question your Lordship asked me as to the sales effected in our Court from the 1st November 1880 to the 31st October 1881; the number of lots sold was 218; of these there were sold by auction in Court 86, and in provincial towns 28; that is a total of 114 lots that were sold by auction. We sold by private contract 104, and of these there were town lots 46, country lots sold to tenants 46, and other country lots not sold to tenants, 12. The bulk were sold to the tenants. The number of lots adjourned or withdrawn from sale in consequence of no bidding, or insufficient bidding during the same period was 222. Of these 53 were town lots, and 169 were country lots. (*The document is handed in.*)

4359. During the last two years the majority of sales of agricultural holdings that you have made, seems to be to tenants?
Of agricultural holdings the majority of sales have been to tenants. In looking at these Returns one has to look at the marginal notes that appear in the printed Argyll Returns, because those notes very often explain the circumstances under which a lot appears to be sold, perhaps for 10 years' purchase. In such a case it may turn out probably that what is put down as a profit rent is only an estimate made by the vendor of the property, and is not to be relied upon.

4360. Have you had any experience in your Court as to cases in which the person selling was a tenant for life, or a limited owner?
Yes.

4361. What is done in those cases with the proceeds of the sale?
They are invested in the New 3 per Cent. Stock, and under the 64th section of our Landed Estates Court Act, we direct that the money is to be reinvested in land. Assume that we sell an encumbered estate of a tenant for life to pay encumbrances on the fee, if there is more sold than is sufficient to pay off his incumbrances we invest the balance in the funds.

4362. As a temporary investment?
As a temporary investment, and then it is re-invested in land.

4363. But with regard to sales, that a tenant for life might voluntarily make to the occupiers on a transactian of that kind there would be a loss of income, would there not?
There would be a loss of income decidedly. It appears to me that if that class of estate were to be largely dealt with, there would be a necessity to have some enlargement of the powers of investment; in fact, we might follow the larger powers given to trustees in relation to investments under money settlements.

4364. Such wider investments as are sanctioned; by trustees generally, you mean?
Yes.

4365. It would make a difference of nearly one per cent., would it not?
Yes; it is a clear loss of income, and an alteration would be absolutely necessary.

4366. What is the course taken in your Court as to head rents, or quit rents, when there are sales?

We sell subject to the head rent.

4367. Do you apportion the head rent?
No, not necessarily. For the convenience of lotting, or otherwise, we throw the head rent upon one large lot.

4368. Have you the power to do that?
We do not apportion it as against the owner of the rent; we put it upon one lot in indemnification of the others.

4369. You put it upon one lot, and give the others a cross indemnity?
Yes. Our conveyances run in this way, "to indemnify all other lands charged therewith," and sometimes for convenience we divide the head rent; if 100 *l.*, a year, for instance, we put 50 *l.* on one lot, and 50 *l.* on another.

4370. That can only be in the same way with cross rights for the one that pays too much?
Just so. On the Conyngham estate, for instance, we add at the foot of the document "deduct probable amount of tithe-rent charge; deduct probable amount of quit rent;" the profit rent stated at foot of the rental is what we really sell, and what we calculate the purchase money upon.

4371. Do you ever redeem the head rents?
No. The redemption price is either 27 or 28 years' purchase as to quit rents.

4372. Do quit-rents sell at that price?
No; but you cannot redeem them under.

4373. You mean Crown quit rents?
Yes; the Crown will not part with them under 27 or 28 years' purchase, and the Church Commissioners' (the Land Commissioners now) rate was 22, or, I think, 22½ years' purchase.

4374. Their rate for what?
For the purchase of tithe-rent charges.

4375. You mean they sell at that rate?
If I were paying tithe-rent charge and wished to redeem it, 22½ years' purchase is what I would have to pay.

4376. They take 22½ years' purchase?
Yes; that is the scale upon which the redemption is calculated.

4377. At what rate do head-rents (I do not speak of quit-rents) sell in Ireland generally?
My experience is, that land in possession sells at the highest rate; next to that well-secured head-rents; head-rents which do not run near the value, say 50 *l.* a year, payable out of a larger interest.

4378. Marquess of *Salisbury.*] What do the persons to whom you refer consider generally a saleable margin for head-rents?
I should say about a third, but of course the larger the margin the better the price.

4379. *Chairman.*] Do you mean where the head-rent is a third of the profit rent?
Yes; I consider that is a well-secured head-rent.

4380. What comes next in value?
I put land in occupation first, before head-rents or anything else; land let to tenants comes next after head-rents?

4381. Have you considered what is the extent of the inducements to purchase which are offered to tenants by the Land Act of 1881?
I think

I think they are practically as limited as they were under the Act of 1870. I think there is, comparatively speaking, very little difference.

4382. You think there is very little improvement in the terms?
There is very little improvement in the terms. It is three-fourths of the price as against two-thirds of the value under the Land Act of 1870; and it appears to me that very often it is a question which of the two is the greater.

4383. Three-fourths of the price might not be equal to two-thirds of the value, you mean?
Quite so; and the 5 per cent. rate is not an inducement. You must give the tenant such terms as will make a substantial reduction in their annual payments. They look upon the annual payment just as they look upon the rent.

4384. Do you mean to say that a tenant is first to have his rent reduced by having a judicial rent fixed, and that then, in order to induce him to purchase, he must have a still further reduction?
No, clearly not. It appears to me that that would be burning the landlords' candle at both ends. I refer to a case where the tenant holds his land on what one would consider a fair rent. I am not going into the question of the judicial rent at all.

4385. That is to say, that the transaction of sale and purchase must give him the sort of reduction that he may flatter himself he would obtain if he went into court?
Of course. Assume that a tenant has had his judicial rent fixed; if you give him money at a low rate of interest he will then have in view the ultimate extinguishment of that rent, and he will have in view the fact that he is absolute owner of the holding; that will weigh with him very much; but my own idea is that the State should advance the entire amount of the purchase money, and that they should advance it at 3 per cent. with a half per cent. sinking fund; and I am quite satisfied that there is ample security for that money. A tenant purchasing at 28½ years' rate upon his rent would only be paying for 66 years the same amount as his rent.

4386. The wish on the part of persons interested in land in Ireland, that the whole of the money should be advanced, is natural; but the more important question is, what would the position of the State be; do you consider that if the money were advanced the security would be sufficient?
Ample.

4387. How do you make that out?
The State has, besides the value of the landlord's interest, the value of the tenant's interest, as security. The rent is not a commercial rent; there is a value outside what the landlord receives; he does not get the full commercial rent, and the tenant is not paying the full commercial rent in a case of that kind.

4388. Is not that just the same sort of security in another form of expression; it is not an additional security?
Yes. Then besides that you have the fact that every year the security of the State is increasing, because all the improvements made by the tenant add to the security of the State; every shilling the tenant purchaser lays out upon that land is increasing the security of the State, who are the mortgagees.

4389. That, after all, comes to this, does it not, that the State has, as a margin of security, the tenant's interest; and the tenant's interest, from the nature of the case, will every year go on increasing and become larger as each instalment is paid?
Yes; I think before Mr. Shaw Lefevre's Land Committee of 1870 there was a good deal of evidence given upon that subject, and amongst others Mr. Baldwin (who is one of the Sub-Commissioners) gave very strong evidence (evidence which Mr. Shaw Lefevre relies upon in his Report) to the effect that the whole of the purchase money was secured.

4390. We have got the evidence of that Committee before us and need not go into it now. Have you had any experience, since the Act of 1881 passed, of what the tenants' interest is considered equal to, in places where the tenant had no tenant right before, places where there was no custom of Ulster?
I have not seen any sales of interests out of Ulster since the Land Act of 1881 passed.

4391. You are not acquainted with any sales by tenants?
I have not known of any sales by tenants of their interest during the past year. I happen to have the management of the estate of a relative of mine, and have settled some cases that were going into Court. Amongst other things we settled the value of the tenants' interest, and in settling it I left it very much to themselves to consider what their interest was, and I found that they attached considerable value to their interest.

4392. That was not a practical proof of what they could sell it for?
No.

4393. Viscount *Hutchinson.*] Can you give us any notion at all of the number of years they put it at?
Five, seven, and upwards.

4394. *Chairman.*] Have you the means of forming, from your experience in the Landed Estates Court, any general idea of what are the legal costs on a transaction of purchase by a tenant through your Court?
The tenant's costs are the costs of his conveyance and the stamp duty on his deed.

4395. Does the tenant, in your court, if he is a purchaser, pay you anything as regards the investigation of title?
No, that falls altogether upon the landlord.

4396. Was that always so in the Landed Estates Court in the ordinary case of vendor and purchaser?
Always. Under the vendor and vendee clauses of our Act the usual agreement is such that the landlord always pays all the costs of the title.

4397. And the tenant only pays the expense of the conveyance?
That is all.

4398. Does the landlord pay your Court for investigating his title?
He pays his solicitor in the shape of costs, and the registry of deeds he pays in the form of searches.

4399. I am afraid I do not make clear what I mean. If there is a sale in your Court you give a parliamentary title; in order to give a parliamentary title you must have the responsibility of examining the vendor's title; that must take time, and give trouble to some of your officers; does the Court bear the expense of that, or does the vendor pay you anything for it?
We take out of the purchase-money an *ad valorem* duty. The *ad valorem* duty is supposed to go in part liquidation of the costs of our Court, and that duty is about 10 *s.* per cent. up to 10,000 *l.*; between 10,000 *l.* and 25,000 *l.* it is at the rate of 5 *s.* per cent.; over 25,000 *l.* it comes to 2 *s.* 6 *d.* per cent.

4400. The vendor has to pay that?
The vendor has to pay that.

4401. And besides that he has to pay whatever private costs are incurred by his own solicitor?
Quite so. Those costs include delivering the abstract, vouching the abstract, taking out searches, discharging all the queries on title, and, in fact everything, and I apprehend that that would also be the case under the Land Commission; indeed, I believe it to be so. A landlord going into the Land Commission Court, or arranging with the Land Commission to sell, has to present a title there

there very much the same, in fact, almost exactly the same, as that with which he would have to present us.

4402. With regard to the Stamp Duty, you have transactions sometimes in your Court in which there is an advance of money for the purpose of assisting in the purchase, and a mortgage for that advance, as well as a conveyance to the purchaser; is not that so?
Yes; that is very common.

4403. Is there both a mortgage and a conveyance stamp duty?
The usual form of our deed in those cases is "upon trusts to secure so many thousand pounds secured by a deed of equal date."

4404. Is there an *ad valorem* stamp on it?
There is a mortgage stamp on that, and there is a stamp duty on each conveyance besides.

4405. Those are both *ad valorem* stamps, are they not.
They are both *ad valorem* stamps.

4406. So that there is a double stamp duty?
There is a double stamp duty to the extent of the loan.

4407. The mortgage duty is to the extent of the loan, but the conveyance duty is to the extent of the purchase-money?
Quite so.

4408. How does the registry of title, or the record of title in Ireland connect itself with the proceedings in your Court; is it under your management?
It is under our management.

4409. And what exactly is it?
If there is a sale in our Court, and the purchaser wishes to have his conveyance placed upon the record of title, it is put upon our record, and then it is not registered in the Registry of Deeds Office at all, though the fact that it is a recorded estate is entered there.

4410. It does not go into the Registry of Deeds Office in Ireland?
It does not go into the Registry of Deeds Office in Ireland. The fact of recording is entered upon the registry of deeds, and then that estate is kept off the registry of deeds as long as it remains on our record of title; but we have frequently found when coming to sell recorded estates that they have been dealt with by deeds registered in the Registry of Deeds Office, notwithstanding that they are recorded with us. The two systems more or less clash.

4411. Are the two systems still going on, or has the record of titles system come to an end?
The record of titles system is not working perceptibly at all.

4412. Supposing there came about a purchase by tenants to a considerable extent throughout the country of small holdings, and matters of that kind, of course the management of that through the registry of deeds in Dublin would be a very expensive and cumbersome thing; has it occurred to you that any simpler form of dealing with that matter in the country could be established?
That is a large question, but my own idea would be this, that possibly there might be local registries in the principal towns, and that they might be kept, through the officials, in correspondence with the principal registry office in Henrietta-street, just as at the present moment in the Probate Court, there are district registries, and at the same time in Dublin, records of all the proceedings in the district registries. That could be done, I apprehend, and that would facilitate the transactions in the country by tenants or small holders, and at the same time enable persons searching in Dublin and otherwise to follow those transactions.

4413. That would still be the registry of deeds?
That would still be the registry of deeds.

4414. But supposing something simpler were needed for the purpose of dealing with those small matters, something like a transfer by an entry without deed, how could that be managed in the country?
I apprehend that if that system were adopted it would be the more necessary to deal with it by an entry in the locality. The staff now employed in the various districts under the extensions of the County Courts Act, and as clerks of the peace, and men of that class require very large professional skill, and I think one would have the materials amongst them for the working of a system of the kind suggested.

4415. Lord *Tyrone.*] I think you said that you had had some experience of the management of property?
Yes, I have been managing property all my life nearly, for some members of my own family, and I hold some land myself.

4416. Have you formed any opinion as to the method by which the Sub-Commissioners are proceeding?
I have been watching their proceedings a good deal. At the present moment there is great doubt as to whether the Sub-Commissioners act as valuators or not when they visit a farm, and I am inclined to think it would be better that they should not act as valuators. I do not think they have the time for it or the opportunity of making valuations, and the Act, I think, contemplates more particularly their visiting, and I think it is very necessary that they should visit the lands for the purpose of verifying the evidence they have heard, and forming their own judgment upon the evidence, but I think it is very difficult for them to value; I do not think they can possibly do it. They have not time to do it. It would be a hard day's work to value 200 acres or 300 acres in a day in small holdings.

4417. Would you propose any alteration as to that?
I think there should be official valuators, and I think the official valuator's report should be regarded as evidence; I also consider that the official valuators should be subject to examination. I am clearly of opinion about that, but I think what is very necessary is that there should be some general instructions issued to valuators, and instructions to the Sub-Commissioners, which everybody would understand, so that we would know upon what general basis they were making their valuations. We have decisions now by the Chief Commissioners, and we have a decision of the Court of Appeal which would enable the Commissioners to issue general instructions as to how these valuations should be made, including a scale of prices.

4418. Lord *Brabourne.*] Do you mean official valuators, appointed by the Sub-Commissioners' Courts?
By the Chief Commissioners. I think they should be at the service of the Sub-Commissioners.

4419. Earl *Stanhope.*] That is the case now, is it not?
That is the case very much as regards re-hearings; I hold that there should be official valuators in every case.

4420. That means with the Sub-Commissioners as well as with the Chief Commissioners?
Yes.

4421. Lord *Brabourne.*] Do you mean that valuators appointed by the Chief Commissioners should be attached to the Court of the Sub-Commissioners, and that they should be subject to examination and cross-examination?
Quite so.

4422. Lord *Tyrone.*] Would you propose that tenants should serve notices upon their landlords before serving an originating notice?
I think that that is a great blot upon the proceedings. The first intimation that

that a landlord gets of his tenant being desirous of going into Court is the originating notice, and the effect of that is that he commences what is equivalent to a law-suit without asking his landlord to come to a settlement. I think, before commencing his action (if I may so call it) he should, without the intervention of a solicitor, intimate to his landlord that he intended to go into Court. There would thus be an opportunity given for a number of settlements upon the basis of purchase or otherwise. I also think that it would relieve the great block in the business of the Commission, and I think it would reduce the costs very much; and I will explain why I think so. Under the rules there is a certain scale of fees which are to be paid to the solicitors on each side for each originating notice, according to the rent. If the case is withdrawn or settled before it comes into Court, the solicitor is entitled to half his costs under the rule, and then, when you come to record the agreement which you have made out of Court, you pay a further fee, so that the two fees combined very nearly amount to the fee that is allowed on the action. That is, of course, exclusive of the other expenses incurred.

4423. Do you think that settlements out of Court would be come to, supposing the Chief Commissioners were to send down a valuer of their own to value the properties for both parties?

My suggestion would be this, that if the originating notice were served, then that the Commissioners, without sending the case to a Sub-Commission, should send down an official valuator, and that he should make his examination. It would be very necessary, for the purpose of his doing that, that he should have some statement of the improvements which the tenant claimed, and that statement, I think, the tenant should give with his originating notice, and that it should form part of it without going into minute details; then, the official valuator having made his valuation, I think that that should be furnished to both sides. If they are satisfied with it, the case is settled; if they are not satisfied, then the case can be fought out before the Sub-Commissioners, and they can then produce their own valuators. In the great majority of cases I think the report of the official valuator would form at all events the basis of a settlement; but I think it would be very necessary that some statement of the improvements should be given with the originating notice. At the present moment, if I may use the phrase, they spring the improvements upon the landlord in Court.

4424. With regard to what you said just now about the State advancing the whole of the purchase-money, have you any reason to believe that if they did that there would be a wholesale expropriation of landlords?

No; I am of opinion that the process would be very gradual. Assuming that the whole of the purchase-money was advanced, and that the sales (as they should be in my judgment) were a matter of contract between the landlord and the tenant, I am strongly of opinion that the process would be very gradual. There are a large number of estates that would not be sold at all; you would find that encumbered landlords would sell sufficient to pay their encumbrances. Landlords whose relations with their tenants were not very happy would probably sell, and some absentees would sell too; but there would be a large number of estates which would not be sold, estates upon which there are large farms. I do not think those would be sold; and, again, there would be a number of landlords who could not sell, because their margin would be so small that if they sold and invested the money in ordinary funds or other securities their income would possibly be reduced, and I do not think the balance of security would weigh against the sensible diminution of their income; I think they would hold on. Then there are a number of estates which are subject to jointures; those estates could not be sold unless you were to bring in a Bill for the fixing of fair jointures. Take the case of a man with a small income of 2,000 *l.* a year, and a large family. At a time when he considered his rental a perfectly safe one, and a perfectly good one, he put that in settlement, and considered possibly that if he left his eldest son 1,000 *l.* a year free, and gave the rest to his wife and family, he was making a fair settlement of

such a small estate. Supposing the eldest son's rental is reduced by 25 per cent., the result is that the whole loss falls upon him, and the jointress and the younger children come off best; that class of estate, therefore, will suffer, and I think they will not sell.

4425. Your opinion is that the operation of the altered state of circumstances would be gradual?

Gradual, but effectual.

4426. Do you consider, from your knowledge of the country, that it would be likely to make future proprietors loyal and law-abiding?

Decidedly. I am strongly of opinion that it would work a great change in that way.

4427. Lord *Brabourne.*] The case would be worse for the elder son than you put it, would it not. If the 25 per cent. reduction operated upon the 2,000 *l.*, practically it would all fall upon the 1,000 *l.* a year that he had, so that it would be 50 per cent., would it not?

It would; therefore I say his position is a very unhappy one.

4428. Lord *Tyrone.*] If nothing of this sort is done, do you think that land is likely to become saleable again in Ireland?

I think unless something of this kind is done that land would be practically unsaleable, there would be no bidder for it. The tenant will not buy unless you give him better terms than he has at present, and there are a number of mortgagees whose margin is very small, and I am satisfied that they will have to buy in order to save themselves. When things become hopeless, they will probably take, as we say, "the beast for the damage." I am afraid that that will be the result in the case of encumbered estates. At the same time I do not consider that land, as land, has depreciated really in value at all. I think that the present depreciation is altogether due to panic, to agitation, and to uncertainty. There was the agricultural depression of 1877, 1878, and part of 1879, but if we look back we have periods very similar to those. I would like to illustrate that by a return. In Ireland a very good indication of the state of the country are our deposits. I cannot go further back than 1843. The deposits in the banks in Ireland in 1843 were 6,900,000 *l.* In 1846 (I am taking them in periods) they had risen to about 8,500,000 *l.* In 1847 (one of the famine years) they dropped to 23 per cent., to 6,493,000 *l.* In 1848 they commenced to rise again, and rose steadily till 1859, when they stood at 16,000,000 *l.* Then in 1860, 1861, and 1862, we had bad years, and they fell from 16,000,000 *l.* down to 12,000,000 *l.*; in 1863, that was a reduction of about 5 per cent. per annum. Then they commenced rising again, and from 1864 they went on up to 1876, when they touched 32,000,000 *l.*; and in 1881 they fell to 28,289,000 *l.* The reduction in these later bad years appears to be only something under 4 per cent. per annum as against 5 per cent. in 1861, 1862, 1863, and 1864, and in addition to that 28,000,000 *l.* we have got now what we had not in the earlier days, namely, 1,229,000 *l.* in the Post Office Savings Banks, which should be added to the bank deposits. Another illustration of the state of the country is this. In 1841 we had 101 banks scattered through Ireland, in 1856 we had 178, and in 1880 we have 442. Now what banks live and thrive upon are the deposits, and I think these figures are very significant. (*The document is handed in.*)

4429. Viscount *Hutchinson.*] From the figures you give you take the deposits at about 30,000,000 *l.* in a round sum?

Including the deposits in the Post Office Savings Banks.

4430. How much of that do you suppose to be the property of tenant farmers?

It is very difficult to estimate that. Dr. Hancock, who is a great statistician, and who was examined before Mr. Shaw Lefevre's Committee, gave evidence to the effect that the great bulk of it represented the farmers' money, and I consider that that is the case.

4431. Lord *Tyrone.*] What inference do you draw from these statistics?

That

That the country has been gradually and steadily improving; that the present depression, like the depression of 1863, is only a temporary one.

4432. Lord *Brabourne.*] May you not also draw from it the inference that there is a considerable amount of money available for investment in land if an opportunity arose for its investment?

Quite so.

4433. If the land could be secured to the buyer so that he might derive from it interest somewhat greater than he can obtain from a bank or a deposit, he will probably invest in land, you think?

Yes, from inquiries I have made, I find that the farmers through Ireland of later years have found the advantage of investing. I am told that many of them have made English investments, such as in the London and Westminster Bank. The reason why I think that the whole of the purchase money should be advanced is this. I think it is desirable to leave farmers the money they have as capital, not alone for cultivating their land, but also for the purpose of providing their sons and daughters.

4434. Do you not suppose that the landlords would have been very glad to have had left to them the rents they had with which to pay off the younger children's fortunes and jointures, and so on?

No doubt they would.

4435. Lord *Tyrone.*] From your experience of sales in the Landed Estates Court, do you think it would be possible to fix a standard as regards the number of years' purchase to be advanced?

I think it would be perfectly impossible to fix any standard that would apply to the country generally; I think it would be a very great mistake. The price to be paid by the tenant should be a matter of free contract between him and his landlord, and the duty of the person having the control of the advance should be limited to seeing that the State had in the land security for the money they were advancing. I think that averages sometimes are very misleading, as I have explained before, and it is very difficult to arrive at a correct estimate from them.

4436. Do you think that the present Court of Land Commissioners is capable of working, or that it would be likely to work, a large scheme of purchase to the satisfaction of everybody?

I am afraid the Land Commission are in a position of difficulty. They are the Court to fix the fair rent; in addition they represent the State; as it were, they represent the mortgagee, and their first duty is to see that they are getting the largest margin that they can for security for the advance they are making, as a private mortgagee would do. The only way in which they can get that largest margin is by depreciating the value of the article that is being sold, and therefore I think that they are very much in the position that our Court were represented to be in under the 46th Clause of the Act. We were represented to be preferential auctioneers. There is a phrase known on the Stock Exchange as the "bears of a market," and I am afraid the Land Commissioners become necessarily the brokers for the tenant.

4437. Marquess of *Salisbury.*] Do you mean that the tendency of the Land Commission will be to lower the rent in order that they may afterwards buy the land at a cheaper rate?

No, certainly not. They are looking for a margin; the landlord, or the seller, is looking for the highest price he can obtain; and if there is any doubt as to the margin, the tendency of one's mind would naturally lead one to say, we must take care that this man does not give too much. Of course it is not that they would intentionally do an injustice, but I am afraid it would be the inevitable result of their mode of proceeding.

4438. Viscount *Hutchinson.*] And of the position in which they are placed?
I should say of the position in which they are placed. In Mr. Shaw Lefevre's Draft Report (not the Report settled by the Committee and finally adopted), speaking in reference to our court, he says, "there are obvious advantages in utilising the same department; on the other hand, it is difficult to understand how the judge of the Landed Estates Court can act in one branch of the court in the interests of the owners of property, and in the other in the interests of the tenant." If I read for "Judge of the Landed Estate Court," "Land Commissioner," I think the inference is obvious.

4439. Do you concur in that opinion?
I concur in that opinion, so far as that goes, certainly.

4440. Marquess of *Salisbury.*] Do you think some other body might profitably undertake these purchase operations, that is to say, some body different to that which has to adjudicate upon the fair rent?
I think so; and if you look into the Evidence of Judge Flanagan before Mr. Shaw Lefevre's Committee, and Mr. Plumpton's Draft Report, I think the basis is there laid for it.

4441. Lord *Tyrone.*] I want to ask you one question about the landlords' valuators. We have had it in evidence that the landlords' valuators have changed the basis of their valuation; have you had any experience of that at all?
I have. That was what I had in view in wishing that the Commissioners should issue instructions. I have here the instructions issued by Sir Richard Griffith. Those instructions gave a scale of prices; also a direction as to how land was to be valued. I believe the Commissioners should issue similar instructions, giving a scale of prices amongst other things. That is a necessary thing. I believe that the present valuators, as a rule, are running wild, as it were, in their valuations. One man is valuing according to one idea, and another man is valuing according to another idea. I have here a copy of the Cobden Essays, which includes one by Judge Longfield (who is a very good authority on this subject) on land tenure in Ireland; and in that essay there is a paragraph that I would like to call attention to in reference to the valuation of the rent of tenants. He says: "But every one who has any experience knows that nothing can be more uncertain and undetermined than the valuation of the land. It is not uncommon to see two valuators differing enormously in their estimates, and yet neither suffering in reputation as if he had made a discreditable mistake. It is probable the value as fixed by any tenant-right measure would be less than half the rent which a solvent tenant would be willing to pay. All future valuations would be still more uncertain; for as soon as the possessson of land ceased to be a subject of contract by mutual agreement, the valuators would have no average market value to refer to, and would form their estimates on the wildest principles." Then he says in a foot note (and this is the last edition of the Cobden Essays, which were published at the request of Mr. Gladstone), "It is highly probable that, in the excited state of feeling that would be raised by an alteration of the law, no valuator would venture to express an opinion of the value of the land that was not in accordance with the tenants' wishes." We have plenty of capable and highly respectable valuators in Ireland. But remember, we have 16 Sub-Commissions now and 21 county courts, and the more you multiply those Commissions, and the number of valuators, the lower you must go in the scale of valuators; you increase the number of inefficient valuators. The O'Conor Don, in his report, refers to the very same thing. He says, "To estimate correctly even the fair commercial letting value of land is not an easy task. The valuator, or, in any case of arbitration, the umpire, to be competent should be a local man, having local knowledge of the particular land he is asked to value, of its past history, and its capacity for production as tested by experience; and if he be a local man he can scarcely be free from local prejudices, local feelings, and, above all, from local suspicions."

4442. Marquess of *Salisbury*.] What is it that you are reading from?
From a reprint of the O'Conor Don's Report on the Land Act in the case of the Bessborough Commission.

4443. Your opinion is that the prophecies with regard to valuators contained in the two extracts you have given to the Committee are in course of being fulfilled?
I have met first class valuators, but I think that that which I have stated is the inevitable result. The evidence given before the Commissioners is very wild.

4444. Lord *Brabourne*.] Does it not at all come to this, that competition is the natural way of ascertaining the value of any thing, and that when you exclude competition from that ascertainment of value, you are sure to get into inextricable confusion?
This is the inference, but I would rather not discuss that question. I would like to put in a Return, with your Lordships' permission, referring to the prosperity of the country, and which I have here in the form of agricultural statistics, relating to produce and live stock in Ireland, showing that there has been a gradual increase. (*The document is handed in.*)

4445. Lord *Tyrone*.] With regard to those extracts you were reading just now, do you think from your own experience that the present valuators for the landlords are inclined to take the judicial rents for the basis of the valuation instead of taking the original value of the farm in the open market as the basis?
I think they are naturally anxious to do what is fair, but they go out without a chart, and then I think they are looking for the basis upon which the judicial rent is arrived at, and are continually misled as to the law about improvements, no matter what the valuation of the landlord is, the judicial rents generally appear to me to come below it.

4446. My question was pointed in this way, do you think the landlords' valuators look to the putting in of a valuation likely to be accepted by the Sub-Commissioners, or to putting in a valuation of the fair value of the land?
I think they are misled. I think, in making their valuation, they are trying to find out the basis upon which the Commissioners are valuing and deciding.

4447. Marquess of *Salisbury*.] Do you think they have found out the basis upon which the Sub-Commissioners proceed?
No; they are working wildly, I think.

4448. Have you any idea of the mode of ascertaining the value of a farm when there is no market in which it can be dealt with; could you do it yourself?
I do not profess to be a valuator.

4449. Have you any conception of the mode in which a man would set to work where there was no market price to indicate the value of a farm in order to find its fair rent?
I do not say that it is not possible, but the absence of a market price makes the task very difficult. You can ascertain what the productive powers of the land are; you can ascertain what that produce sells at in the market upon average prices, but you must have the prices for the valuation to be just. It will not do to have one valuator making it upon one scale of prices, and another upon another, as they appear to be doing at present.

4450. Lord *Brabourne*.] Do you think it would be possible to lay down some definite principle upon which the Sub-Commissioners could act?
Clearly.

4451. Lord *Carysfort.*] You think that it was done in some case, as I understand you?

Yes; I have the book here in which it was done.

4452. Lord *Brabourne.*] Without some principle being laid down, confusion, you think, must ensue?

It must. There is no guide by which the landlord's valuator or landlord's agent can arrive at any estimate of how he can settle other cases.

4453. Lord *Carysfort.*] The scale of prices laid down by Sir Richard Griffith were contained in the Act of Parliament, were they not?

Yes. If the Land Commissioners frame rules laying down a scale of prices, those rules, like all other rules, must be laid upon the table of the Houses of Parliament, and be subject to revision. I think it would be a very easy thing to do. One thing I forgot to mention was this. I think it is a great pity that valuations and inspections are made by the Commissioners in the depth of winter, when the lands are flooded. It is impossible for any man to form any fair judgment upon the character of the land under such circumstances.

4454. Duke of *Marlborough.*] You attach very great political importance, do you not, to the arrangement we have been discussing, viz., that of the tenants purchasing their holdings, and also in regard to the social condition of the country?

Very great. I think it is the only chance we have of peace, and of a return to the normal condition of things in Ireland. I think if we go on living in a state of uncertainty there is food for agitation left, and so long will the country remain in an unsettled condition, and the landlords property will be gradually sliced away.

4455. Looking at the transaction which must take place between the State and the tenant, and the State becoming a mortgagee, have you been led to consider what would be the position of the State, if it was forced to foreclose its mortgage at any time?

I think that the land would be sold and bought freely. Up to the time of the present agitation in the North of Ireland, where I happened to have the management of some small property, if a tenant failed, and his tenant-right was sold, there was no agitation, and no hostile feeling against the purchaser; there was nothing of that kind.

4456. You are assuming that the present agitation will die out, and that then the normal and natural state of things will recur, when land may be freely bought and sold?

Quite so. I think, if I could not hope that that will happen, I would have to give up all hope of governing the country. If you cannot maintain the common commercial credit of the country and honest dealing, there is an end to order, and you will not be able to collect taxes.

4457. Do you not think there may be some difference between the case of a farm, bought of a particular individual who may be selling his private interest, and the case of a purchase from the State, who would be selling the farmer's property?

My observation in reference to the tenant's interest in the north referred also to a case where the rent happened to be in arrear. I do not think that that agitation would arise; at least I should hope not.

4458. Do you not think that a political significance would attach to the case of the State coming in as mortgagee, foreclosing and selling the property of the farmer who has bought his farm, which would not attach to the case of an ordinary transaction between individuals?

I think not; at least I should hope not.

4459. Suppose there were a difficulty in finding a purchaser, what could the State do then?

I do

I do not look forward to being unable to find a purchaser, because I think the demand for land exists; you have the population, and you will have persons to buy always. I am quite satisfied that if I had land in hand now, and this temporary excitement had gone down, the tenants would be willing to take it as heretofore.

4460. Supposing a period of scarcity were to arise again, such as has already happened, when the tenants found great difficulty in paying their rents, we might have a period of famine again; suppose such a period as that arose, and the tenants or farmers who had purchased their farms were unable to pay the annual instalments of their mortgages, what would be the position of things then. There must either be a very large sale of farmers' interests or great loss to the State, must there not, in that event?

I do not think that that would be the result. There might be a temporary postponement perhaps. I am looking back now, say to 1856, and looking through the small estates I have had to look after, I do not find that up to 1877 there was any substantial arrear of any kind on those estates beyond the current gale. I always found rents most punctually paid up to 1877. Even in these bad times we have the evidence of the Church Commissioners that the instalments have been fairly paid in their case.

4461. Have they been regularly paid?

At the time of the discussion of the Land Act of 1881 that was put forward very broadly.

4462. Do you consider that it would be desirable, in view of an arrangement of this sort, that each farm should bear its own individual security, or that any security should be taken upon a larger area for the payment of the instalments due to the State, such as a union or a barony?

If there were a complete conversion of the tenants (which I do not contemplate) into proprietors, that might be a security if such security were required, but against that, if a portion of the union were in the possession of a landlord, I think the practical result would be this, the deficiency would be raised by a rate; the landlord would bear half the rate, and in addition he would bear the whole of it where the holdings were under 4 *l.*; so that I think possibly men in the union who were not the subjects of default would be contributing towards the liquidation.

4463. So that if the landlords had sold a portion of his own estate he would be paying the charge due to himself?

Quite so.

4464. Earl of *Stanhope.*] Do you think it would be possible for the State to limit the size of holdings on an estate, and re-sell?

I think not, and I think that would be very undesirable.

4465. Surely it would be undesirable to fix a man without any capital or any employment on two acres of land, would it not?

I think the doctrine of the survival of the fittest will come in in the long run. There are certain portions of Ireland where the estates are overpopulated. I know, for instance, one estate in Galway and Mayo (of which my son happens to be receiver for the Court of Chancery) on which about 3,000 *l.* a year is paid by 600 tenants; that estate is now for sale. In a case of that kind I think the Emigration Clauses might work conjointly with the Purchase Clauses, and that the State might offer the means of emigration to those who could go or who would like to go, and thus tempt them to go, leaving the residue of the land for division amongst the others; but I put no limit.

4466. Viscount *Hutchinson.*] I suppose you consider that the Emigration Clauses would require some rearrangement?

Quite so.

4467. Earl *Stanhope.*] You are aware, are you not, that there has been hardly any operation under those clauses?

I believe there has been none. If you will permit me, I would like to say that I think there should be some amendment as to the Board of Works rules in relation to advances to tenants for improvements. They will not lend less than 100 *l.* at the present time. I think the limit of 100 *l.* is a mistake, and that it should be reduced. I also think that the period should be extended to 35 years, as in case of loans under the Land Improvement Acts; and I do not think there should be the limit of five years of Griffith's valuation.

Adjourned.

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# APPENDIX.

## Appendix A.

PAPERS handed in by Mr. *Denis Godley*, 7 March 1882.

### Land Law (Ireland) Act, 1881.

### Court of the Irish Land Commission.

General Order, dated this 19th day of October 1881 (one).

It is ordered that, owing to the pressure of business, applications to get the benefit of the 60th section of the Act on the first occasion on which the Court sits, be designated by a symbol or stamp in the County Book in each case in which a ruling is made, that the same stand adjourned, to be disposed of on a hearing thereof.

### Court of the Irish Land Commission.

Wednesday, the 19th day of October 1881 (one).

It is ordered that the sitting of the Court, commencing Thursday, the 20th October instant, do extend to and include Saturday, the 29th October 1881; and that such sitting, for the purposes of the 60th section of the Land Law (Ireland) Act, 1881, be the first occasion on which the Court will sit.

### The Irish Land Commission.

It is this day, Thursday, the 27th of October 1881, ordered that the sitting of the Court which commenced on Thursday, the 20th October instant, forming the first occasion on which the Court sits, do extend to and include Saturday, the 12th November 1881, and that the order, bearing date the 19th day of October 1881, be varied accordingly.

### The Irish Land Commission.

### Land Law (Ireland) Act, 1881.

Wednesday, the 9th day of November 1881 (one).

It is this day ordered, that Assistant Commissioners who may be appointed from this date until the 1st day of March 1882 inclusive, shall, as hereafter provided, hold office respectively for one year from the date of their respective appointments, subject to the provisions of the Land Law (Ireland) Act, 1881.

Provided that the regulations as to tenure of office hereinbefore contained shall not apply to any Assistant Commissioners who may during the period aforesaid be appointed in the room of an Assistant Commissioner heretofore appointed, whose office may become vacant, in which case the Assistant Commissioner shall hold office for the same period as the person in whose room he shall have been appointed might have done.

And it is ordered that the 16th General Order of the 1st day of October 1881 be varied, so far as is necessary to give effect to this Order, but no further.

## Land Law (Ireland) Act, 1881.

## Court of the Irish Land Commission.

Monday, the 12th day of December 1881 (one).

It is this day ordered that in all cases in which cause is shown, pursuant to Rule 62, against the transfer of the proceedings from the Civil Bill to the Land Commission, the notice showing cause shall be served within the time therein limited upon the Land Commission in the usual way by letter addressed to the Secretary, and sent through the post, as well as upon the opposite party.

---

It is this day ordered that the solicitor for the Appellant, in all cases where a question of the value of the holding is involved, when giving notice of appeal, do transmit to the Land Commission, together with such notice, the sheet of the "Ordnance Survey Map" showing the holding, and also certified extract from the revised Valuation Books of the lands that are the subject of the appeal.

Dated this 17th day of December 1881.

---

It is this day ordered that from and after this date, where the holding in respect of which notice of intention to sell the tenancy is, by the Rules 82, 85, 86, and 87, required to be given, is situate within any district for the time being prescribed under the Act for the Better Protection of Person and Property in Ireland, service on the tenant of notices Nos. 13, 14, 15, and 17, or any of them, may be effected on such tenant by sending to him a copy of such notice, and a copy of this Order, by letter through the post-office, addressed to him at his usual residence, and by posting a copy of such notice on the Petty Sessions Court House of the district in which the holding is situate, and such service shall be deemed good service of such notice: Provided the party on whose behalf such notice is served, or his solicitor, shall make and file in the office of the Irish Land Commission an affidavit stating that the address to which the notice has been posted is the correct address of the party required to be served, and stating the county, barony, poor law union, and electoral division in which such holding is situate, and that such place of residence is within a district which has been, and is at the time of such service, prescribed as aforesaid, and that the posting of such notice through the post, and posting of a copy thereof on such Petty Sessions Court House as aforesaid, have been duly effected on the respective dates mentioned in such affidavit.

Dated this 2nd day of January 1882 (two).

---

It is ordered that from and after this date, in lieu of so much of Rule 22 as provides that the Court may at all times extend the time prescribed by their rules for serving notices, or doing any other act, the following rule be substituted:—

The Court shall have power to enlarge or abridge the time appointed by the rules, or fixed by any order enlarging time, for doing any act or taking any proceeding upon such terms (if any) as the justice of the case may require; and any such enlargement may be ordered, although the application for the same is not made until after the expiration of the time appointed or allowed.

Dated the 5th day of January 1882.

(A.)

## LAND LAW (IRELAND) ACT, 1881.

### COURT OF THE IRISH LAND COMMISSION.

### ORDER FIXING FAIR RENT.

Landlord_____

Tenant_____

County of_____

Record No._____

The Tenant having duly served an Originating Notice of an application to the Land Commission for an Order fixing the fair rent to be paid for the holding therein mentioned, the description of which holding, as stated in such Notice, is contained in the Schedule endorsed hereon.

We, the undersigned, forming a Sub-Commission, after hearing the parties, and having regard to the interest of the Landlord and Tenant respectively, and considering all the circumstances of the case, holding, and district, do hereby fix and determine that the fair rent of the said holding is the annual sum of

And we do further order that

And we do certify that the Landlord, at the hearing, required that the right of sporting, as mentioned in the 5th section of the Act, should belong exclusively to him.

Dated this_____ day of_____ 188

HOLDING—

| County. | | | Poor Law Union. | | | Electoral Division. | | |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |
| Name by which Lands are known on Ordnance Survey Map | | | | | | | | |
| Area in Statute Measure. | | | Rent of Holding. | | | Gross Poor Law Valuation. | | |
| A. | R. | P. | £. | s. | d. | £. | s. | d. |
| | | | | | | | | |

(B.)

## LAND LAW (IRELAND) ACT, 1881.

### COURT OF THE IRISH LAND COMMISSION.

### ORDER FIXING FAIR RENT.

Landlord _____

Tenant _____

County of _____

Record No. _____

The Tenant having duly served an Originating Notice of an application to the Land Commission for an Order fixing the fair rent to be paid for the holding therein mentioned, the description of which holding, as stated in such Notice, is contained in the Schedule endorsed hereon.

We, the undersigned, forming a Sub-Commission, after hearing the parties and having regard to the interest of the Landlord and Tenant, respectively, and considering all the circumstances of the case, holding, and district, do hereby fix and determine that the fair rent of the said holding is the annual sum of

and having regard to the fact that the application was made on the first occasion on which the Court sat after the passing of the Act, and was adjourned until the hearing before us, we, having considered the matter and deeming it just so to do, further declare that this Order shall be of the same effect as if it had been made on the first day on which the said Act came into force, and that the Tenant shall be in the same position, and have the same rights in respect of his tenancy, as he would have been in and would have have had if the application had been made on the day on which the said Act came into force.

And we do hereby further order that

And we do certify that the Landlord at the hearing required that the right of sporting, as mentioned in the 5th section of the Act, should belong exclusively to him.

Dated this _____ day of _____ 188

_____

_____

_____

HOLDING—

| County. | Poor Law Union. | Electoral Division. |
|---|---|---|
| | | |

* Name by which Lands are known on Ordnance Survey Map -

| Area in Statute Measure. | | | Rent of Holding. | | | Gross Poor Law Valuation. | | |
|---|---|---|---|---|---|---|---|---|
| A. | R. | P. | £. | s. | s. | £. | s. | d. |
| | | | | | | | | |

(C.)

## LAND LAW (IRELAND) ACT, 1881.

COURT OF THE LAND COMMISSION.

Order_____

Landlord_____

Tenant_____

County of_____

Record No._____

The Tenant having duly served an Originating Notice dated the_____ 188___, of an application to the Land Commission for an Order fixing a fair rent to be paid for the holding therein mentioned in the Lands of_____ in the County of_____, and such application having come on this day for hearing, and being heard before us, the undersigned forming a Sub-Commission. Whereupon and upon hearing the evidence offered by the parties, we being of opinion that_____

do hereby dismiss the said application out of Court, and do Order that the Tenant do pay to the Landlord the sum of £_____ as and for his costs of the proceedings herein, and of this hearing.

Dated this_____ day of_____ 188___.

(D.)

## LAND LAW (IRELAND) ACT, 1881.

COURT OF THE LAND COMMISSION.

Order_____

Landlord_____

Tenant_____

County of_____

Record No._____

The Tenant having duly served an Originating Notice dated the_____ 188___, of an application to the Land Commission for an Order fixing the fair rent to be paid for the holding therein mentioned in the Lands of_____, in the County of_____, and such application having come on this day for hearing before us, the undersigned forming a Sub-Commission, and the Tenant appearing_____ and the Landlord appearing _____ and the parties so consenting in open Court, we do hereby Order that the said Originating Notice and Application be withdrawn.

Dated this_____ day of_____ 188___.

(E.)

## LAND LAW (IRELAND) ACT, 1881.

COURT OF THE LAND COMMISSION.

Order _____

Landlord _____

Tenant _____

County of _____

Record No. _____

The Tenant having duly served an Originating Notice dated the _____ 188___, of an application to the Land Commission for an Order fixing the fair rent to be paid for the holding therein mentioned, in the Lands of _____ in the County of _____, and such application having come on this day for hearing before us, the undersigned, forming a Sub-Commission. Whereupon, and the _____ appearing _____, and on reading the consent in writing herein, dated the _____ and signed by _____ and on hearing what was offered by _____ the _____ we do hereby order that the said Originating Notice and Application be withdrawn.

Dated this _____ day of _____ 188___.

_____

_____

_____

(F.)

## LAND LAW (IRELAND) ACT, 1881.

COURT OF THE LAND COMMISSION.

Order _____

Landlord _____

Tenant _____

County of _____

Record No. _____

The Tenant having served an Originating Notice dated the _____ 188___, of an application to the Land Commission for an Order fixing the fair rent to be paid for the holding therein mentioned in the lands of _____ in the County of _____ and such application having been listed, and coming on this day for hearing before us here at _____ in the County of _____ and the case having been called in Court, and neither of the parties, or any person on their or either of their behalf appearing, we, the undersigned, forming a Sub-Commission, do hereby order that the said Application be struck out.

Dated this _____ day of _____ 188___.

_____

_____

_____

# Appendix B.

## PAPERS handed in by Mr. *Denis Godley*, 9 March 1882.

### (A.)

### LAND LAW (IRELAND) ACT, 1881.

Record No._____

Sub-Com. sitting at _____ Co. _____

_____ of _____ 188 .

| Case. | Order. |
|---|---|
| Nature of Case. | |
| Witnesses. | |
| Sent to Commission in Dublin, Date. | Signature, 188 |

Record No._____

Sub-Commission sitting at _____ County of _____

_____ the _____ day of _____ 188 .

| Sub-Commissioners present. | Case. | Nature of Case. | Witnesses Examined. | Order. |
|---|---|---|---|---|
| | | | | Signature, 1. 2. 3. } Sub-Commissioners. 188 |

(B.)

## LAND LAW (IRELAND) ACT, 1881.

Sub-Commission No._____ County of_____ Where the Case is ADJOURNED, WITHDRAWN, DISMISSED, or RENT FIXED, state which.

Record No. Nature of Case,_____ Poor Law Union,_____

Name of Tenant,_____ Tenant's Solicitor,_____ Electoral Division,_____

Name of Landlord,_____ Landlord's Solicitor,_____ Townland of_____

| Names of Witnesses and Description of Documents Received in Evidence. | MINUTE OF ORDER. |
|---|---|
| | A. R. P. £. s. d.<br>Acreage per Originating Notice, : : Tenement Valuation in Originating Notice, : :<br>Acreage (admitted by consent), : : Tenement Valuation (admitted by consent), : :<br>Value of Tenancy, £. : : Estimated Value of Tenant's Improvements, : :<br>Annual Sum deducted in respect of Tenant's Improvements from Present Rent in fixing Judicial Rent - - - - - - - - - - - - - - : :<br>Present Rent, £. : : Judicial Rent - - - - - - - : :<br>Gale days, Date from which payable,<br>Costs,<br>Labourers' Cottages, &c.,<br><br>Sporting Rights,<br>Other Conditions,<br><br>Signatures of Assistant Commissioners,_____<br>_____<br>_____<br>Sub-Registrar,_____<br>Town in which Case was heard,_____<br>Date of Order,_____ |


## LAND LAW (IRELAND) ACT, 1881.

Sub-Commission No. County of_____ Where the Case is ADJOURNED, WITHDRAWN, DISMISSED, or RENT FIXED, state which.

Record No. Nature of Case_____ Poor Law Union,_____

Name of Tenant_____ Tenant's Solicitor,_____ Electoral Division,_____

Name of Landlord,_____ Landlord's Solicitor,_____ Townland of_____

| Names of Witnesses and Description of Documents Received in Evidence. | MINUTE OF ORDER. |
|---|---|
| | A. R. P. £. s. d.<br>Acreage per Originating Notice, : : Tenement Valuation in Originating Notice, : :<br>Acreage (admitted by consent), : : Tenement Valuation (admitted by consent), : :<br>Value of Tenancy, £. : : Estimated Value of Tenant's Improvements, : :<br>Annual Sum deducted in respect of Tenant's Improvements from Present Rent in fixing Judicial Rent - - - - - - - - - - - - - - : :<br>Present Rent, £. : : Judicial Rent - - - - - - - : :<br>Gale days, Date from which payable,<br>Costs,<br>Labourers' Cottages, &c.,<br><br>Sporting Rights,<br>Other Conditions,<br><br>Signatures of Assistant Commissioners,_____<br>_____<br>_____<br>Sub-Registrar,_____<br>Town in which Case was heard,_____<br>Date of Order,_____ |

## LAND LAW (IRELAND) ACT, 1881.

Sub-Commission No. _____ County of _____ Where the Case is ADJOURNED, WITHDRAWN, DISMISSED, or RENT FIXED, state which. _____

Record No. _____ Nature of Case, _____

Poor Law Union, _____ Name of Tenant, _____

Tenant's Solicitor, _____ Electoral Division, _____

Name of Landlord, _____ Landlord's Solicitor, _____

Townland of _____.

| Names of Witnesses and Description of Documents Received in Evidence. | MINUTE OF ORDER. |
|---|---|
| | A. R. P. / £. s. d.<br>Acreage per Originating Notice, : : / Tenement Valuation in Originating Notice, : :<br>Acreage (admitted by consent), : : / Tenement Valuation (admitted by consent), : :<br>Value of Tenancy, £. : : : :<br>Present Rent, £. : : / Judicial Rent, - - - - - - - : :<br>Gale Days / Date from which payable,<br>Costs,<br>Labourers' Cottages, &c.,<br>Sporting Rights,<br>Other Conditions,<br>Sub-Registrar, _____ / Name of Assistant Commissioners certifying above statements, _____<br>Town in which Case was heard, _____<br>Date of Orders, _____ |

## LAND LAW (IRELAND) ACT, 1881.

Sub-Commission No. _____ County of _____ Where the Case is ADJOURNED, WITHDRAWN, DISMISSED, or RENT FIXED, state which. _____

Record No. _____ Nature of Case, _____

Poor Law Union, _____ Name of Tenant, _____

Tenant's Solicitor, _____ Electoral Division, _____

Name of Landlord, _____ Landlord's Solicitor, _____

Townland of _____.

| Names of Witnesses and Description of Documents Received in Evidence. | MINUTE OF ORDER. |
|---|---|
| | A. R. P. / £. s. d.<br>Acreage per Originating Notice, : : / Tenement Valuation in Originating Notice, : :<br>Acreage (admitted by consent), : : / Tenement Valuation (admitted by consent), : :<br>Value of Tenancy, £. : :<br>Present Rent, £. : : / Judicial Rent - - - - - - : :<br>Gale days, / Date from which payable,<br>Costs,<br>Labourers' Cottages, &c.,<br>Sporting Rights,<br>Other Conditions,<br>Sub-Registrar, _____ / Name of Assistant Commissioner certifying above statements, _____<br>Town in which Case was heard, _____<br>Date of Order _____ |

# LAND LAW (IRELAND) ACT, 1881.

County Court for the County of _____ Townland of _____

Record No. _____ Nature of Case, _____

Name of Tenant, _____ Tenant's Solicitor, _____ Where the Case is ADJOURNED, WITHDRAWN, DISMISSED, or RENT FIXED, state which. _____

Name of Landlord, _____ Landlord's Solicitor, _____

| Names of Witnesses, and Description of Documents Received in Evidence. | MINUTE OF ORDER. |
|---|---|

| | A. | R. | P. | | £. | s. | d. |
|---|---|---|---|---|---|---|---|
| Acreage, per Originating Notice | : | : | | Tenement Valuation in Originating Notice | : | : | |
| Acreage (admitted by consent), | : | : | | Tenement Valuation (admitted by consent), | : | : | |
| Value of Tenancy, £. : : | | | | | | | |
| Present Rent, £. : . | | | | Judicial Rent - - - - - - | : | : | |
| Date from which payable, | | | | Gale days, | | | |
| Costs, | | | | | | | |
| Labourers' Cottages, &c., | | | | | | | |
| Sporting Rights, | | | | | | | |
| Other Conditions, | | | | | | | |

(Copy) Signature of County Court Judge, _____

Town in which Case was heard, _____

Date of Order, _____

I Certify the foregoing to be a true Copy of the Order made by the Judge of the County Court in this case.

_____ { Clerk of the Crown and Peace for said County.

## SUGGESTIONS by the COMMISSIONERS for the guidance of the SUB-COMMISSIONERS.

1. IT shall be the duty of the Legal Commissioner to keep a book in which all the proceedings of the Sub-Commission shall be entered, and especially he shall make a note of the substance of the evidence given before the Sub-Commission.

2. Where a number of cases are for trial at the same place, and the holdings are under the same landlord, and seem to present the same features, the Legal Commissioners may ask the professional men engaged for the parties, whether they consent that the cases should be tried together, and, in case of their so consenting, an order may be made that the cases should be tried together. This course may lead to great saving of time.

3. The Sub-Commissioners may hear the evidence before or after they view the holding, as in each case they deem best. They should in visiting the holding be accompanied by no more than two persons, in addition to the professional men, namely, one on behalf of the landlord, and the other the tenant, or some person on his behalf, to point out to them the localities, and the Sub-Commissioner should take care, on the occasion of visiting the holding, not to permit statements to be made in the nature of evidence bearing on the merits of the case.

4. Where a point of law is raised, the Legal Assistant Commissioner may in his discretion either decide the question, leaving either party to appeal, if so advised, or the Sub-Commissioners under the direction of the Legal Assistant Commissioner may reserve the point for the adjudication of the Commissioners, and go on to decide the merits of the case, subject to the judgment of the Commissioners on the point reserved. In the latter case the Legal Assistant Commissioner should be prepared to lay before the Commissioners a full report of the facts and evidence upon which the question arises.

5. Before appointing an independent valuer, pursuant to Section 48, Sub-section 4, the Sub-Commissioners shall carefully consider whether such a valuer can render substantial service in determining the question before them. If they are of opinion that upon the sworn evidence, aided by their own knowledge and experience, they can decide the question before them satisfactorily, without the report of such a valuer, they will abstain from making such appointment. And in any appointments of valuers which they may think it right to make, they will endeavour to select men of acknowledged experience. The report must of course be in writing, and should be retained by the Commissioners. It is to be remembered that, under Section 48, Sub-section 4, the expense of the report of such valuer is to be borne by the parties. The Sub-Commissioners will bear this in mind, and will ascertain beforehand at what cost the report can be obtained, and will in their judgment specially decide by whom, and by what means, the expense should be borne.

6. As regards the question of costs generally, it must be left to the discretion and good sense of the Sub-Commissioners. In determining the costs they will be naturally governed in a considerable degree by the conduct of the landlord and tenant respectively, and by the result arrived at, having reference to such conduct.

7. There is another important and delicate matter to which the Commissioners would earnestly direct attention. The Commissioners have determined in their own case, when they go circuit to hear appeals, to decline absolutely all hospitality offered to them. This has been the recognised rule for a long time past with the large majority of the county judges, and it has been rendered necessary by the peculiar circumstances of Ireland, and by the suspicion which sometimes arises among the body of the people, that judicial decisions may be influenced by personal and social considerations. It is desirable to avoid even the slightest shadow of such a suspicion, and the Commissioners have therefore adopted the above rule for themselves, and earnestly recommend it to the Sub-Commissioners.

8. The Commissioners also desire to call the attention of the Sub-Commissioners to the provision of the 19th section of the Act, regarding labourers' cottages. That section empowers the Court, on application to fix a judicial rent, to impose upon the tenant, when necessary, conditions as to improving existing, or building new cottages for the accommodation of labourers.

If in proceedings for fixing a judicial rent, either the landlord or the tenant, or any person interested on behalf of the labourers, should mention to the Court that a necessity exists for building or improving labourers' cottages, the Court should make careful

inquiries into the matter. Even if no one should mention the matter, we (the Commissioners) think it right that the Court should, in the interest of the labourers, of its own motion institute inquiries on the subject. It would, of course, be a great saving of time and trouble if any party were prepared to submit a definite scheme to the Court, but this should not be considered essential, if sufficient be stated to show the Court that such a necessity in fact exists.

If the Sub-Commission should come to the conclusion that a provision should be made, the precise terms should be embodied in the order fixing the judicial rent. The compliance with these terms will not of course constitute a condition precedent to the fixing of a judicial rent, but it will be obligatory on the tenant, and may be enforced by process of the Court.

9. The Registrars to the Sub-Commissions should forward each day to the Secretary of the Commission in Dublin a list of the cases adjudicated on, accompanied by the file in each case, and stating, as far as possible, when the place of sitting next in advance will be reached.

When cases have been adjourned with or without terms as to costs or otherwise, or have been struck out for non-appearance, failure to prove service, the order should appear as a distinct adjudication, and all such orders should be forwarded daily. In no other way can the County Books at the office be regularly kept or the record disposed of.

## APPENDIX C.

PAPER handed in by Mr. *Denis Godley*.

## THE IRISH LAND COMMISSION.

_____ *day the* _____ *day of* _____ 188___.

Sub-Commission, No.

The Irish Land Commission hereby forms and appoints a Sub-Commission for which shall consist of the following Assistant Commissioners, namely:

The Irish Land Commission delegates to the above-mentioned Sub-Commission power to hear, decide, and make orders in the cases under the "Land Law (Ireland) Act, 1881," which may from time to time be referred thereto by The Irish Land Commission for decision; and further delegates to the Sub-Commission all powers (except as to appeals) which The Irish Land Commission itself possesses for the purpose of hearing, deciding and making orders in all such cases as aforesaid.

The powers hereby delegated shall be in force until the making of an order varying or rescinding these presents.

The rescinding of these presents shall not, unless otherwise ordered, prejudice any pending case, but it may be continued and dealt with by any subsequent Sub-Commission as if these presents had not been rescinded.

The Irish Land Commission reserves power in case of sickness of any member or members of a Sub-Commission, or for other sufficient reason, to appoint any other duly qualified person or persons in substitution for any present or future member or members thereof, and no pending proceedings shall abate or be in any way affected by such substitution.

## Appendix D.

PAPERS handed in by Mr. *O'Brien*, 21 March 1882.

The Irish Land Commission,
24, Upper Merrion Street,
Dublin.

**EMIGRATION.**

Sir,

With reference to your application, I am directed to inform you that the Land Commissioners are not empowered to treat with private persons.

They can only do so with persons representing a State, or a Colony, or a public body, on the conditions named in the Section of the Land Law Act printed below.

Your obedient Servant,

*Denis Godley*,

Secretary.

To

32. The Land Commission may from time to time, with the concurrence of the Treasury, and on being satisfied that a sufficient number of people in any district desire to emigrate, enter into agreements with any person or persons having authority to contract on behalf of any State or Colony, or public body or public company with whose constitution and security the Land Commission may be satisfied, for the advance by the Commission by way of loan, out of the moneys in their hands, of such sums as the Commission may think it desirable to expend in assisting emigration, especially of families and from the poorer and more thickly-populated districts of Ireland. Such agreements shall contain such provisions relative to the mode of the application of the loans and the securing and repayment thereof to the Commission, and for securing the satisfactory shipment, transport, and reception of the emigrants, and for other purposes, as the Commission with the concurrence of the Treasury approve. Such loans shall be made re-payable within the periods and at the rate of interest within and at which advances by the Board of Works for the purpose of the reclamation or improvement of land are directed by this Act to be made repayable: Provided always, that there shall not be expended by virtue of the authority hereby given a greater sum than two hundred thousand pounds in all, nor a greater sum than one-third part thereof in any single year.

# LAND LAW ACT (IRELAND), 1881.—PART V.

## SUMMARY of the TERMS and CONDITIONS upon which ADVANCES are made to TENANTS to enable them to Purchase their FARMS.

A tenant may agree to buy his holding from his landlord:

(1.) By paying the full price, or, as the Act calls it, a "principal sum."

(2.) By paying a fine and having the rent of his holding reduced till it is not more than three-fourths of a fair rent, and obtaining a fee-farm grant, that is, a lease for ever.

The Land Commission may, if satisfied with the security, lend the tenant three-fourths of the "principal sum" or half the fine paid.

The amount advanced must be an even sum without shillings and pence.

On the occasion of a purchase it is not necessary that the landlord should receive a cash payment from the tenant; he may, if he chooses, leave such portion of the price as is not advanced by the Commission outstanding with the tenant as a loan upon such terms as the parties may agree upon; but the loan made by the Land Commission must be the first charge on the holding.

Before making any advance the Land Commission must approve of the terms of the sale.

Advances made to tenants by the Land Commission must be repaid by half-yearly payments, calculated at the rate of 5 per cent. per annum for 35 years, or 1 *s.* a year for every pound advanced.

By these payments interest and principal will be paid off in 35 years, the rate of interest at which the money is advanced being 3½ per cent.

The days on which the half-yearly payments must be made are 1st May and 1st November, with an apportionment of the first and last payments if necessary.

The Land Commission will, at any time, be prepared to accept payments on account of the principal sum lent from tenants who may desire to make such payments with the object of reducing their annual instalments.

*For Example:*—If the price of a holding be 400 *l.*, the Land Commission may advance 300 *l.*, which will be repaid in 35 years by half-yearly payments on 1st May and 1st November of 7 *l.* 10 *s.* each.

The tenant will have to pay down the other 100 *l.*, unless the landlord leaves it on mortgage, in which case the tenant will have to pay the landlord whatever interest may be agreed upon.

If the tenant, after having paid to the Land Commission 7 *l.* 10 *s.* half-yearly for 10 years, pays 50 *l.* on account of principal, his future half-yearly payment to the Land Commission would be reduced to 5 *l.* 19 *s.* 8 *d.*

If he pays 100 *l.* on account of principal, his future half-yearly payment would be reduced to 4 *l.* 9 *s.* 2 *d.*

A tenant may redeem his annuity, that is, pay off the entire loan at any time.

The Land Commission may, on the application of either landlord or tenant, negotiate the sale of estates or holdings.

The Land Commission may buy estates to re-sell to the tenants, making advances in the same way as above explained to enable tenants to buy their holdings.

"An estate" means any lands which the Commission declares fit to be purchased as a separate estate.

Before buying an estate the Commission must be satisfied that three-fourths of the tenants, paying not less than two-thirds the whole rental, are able and willing to buy their holdings.

Residues of estates not sold to the tenants may be sold to the public, the Commission lending the purchaser half the purchase-money.

The price at which any tenant agrees to buy his holding from the Land Commission will include all expenses connected with the purchase and conveyance.

No separate charge will be made for these transactions.

When a tenant purchases from a landlord the tenant must pay the expense of the mortgage securing the annuity in repayment of the advance he obtains, unless it is agreed that the landlord is to bear the expense.

Where an estate is for sale in the High Court of Justice (Land Court), and a competent number of tenants on any lot are able and willing to buy their holdings, any one tenant may apply to the Land Commission on behalf of the other tenants to purchase the estate. for forms of application for advances, and for any information required.

When a tenant wishes to purchase his holding himself in the High Court of Justice (Land Court), he may apply to the Land Commission for an advance before or after he is declared a purchaser.

In such cases the advance from the Land Commission must not exceed two-thirds of the value of the holding, as assessed by the Land Commission, and in no case will the amount advanced exceed three-fourths of the price of the holding.

A tenant purchasing in the Land Judges' Court will have to obtain the conveyance and charging order at his own expense.

Attention is called to the following conditions imposed by the Land Law Act (s. 30) upon every holding so long as it remains subject to the annuity in repayment of the Land Commission's advance :—

(*a.*) The holding shall not be subdivided or let by such proprietor without the consent of the Land Commission until the whole charge due to the Land Commission has been repaid :

(*b.*) Where the proprietor subdivides or lets any holding or part of a holding in contravention of the foregoing provisions of this Section, the Land Commission may cause the holding to be sold :

(*c.*) Where the title to the holding is divested from the proprietor by bankruptcy, the Land Commission may cause the holding to be sold :

(*d.*) Where, on the decease of the proprietor, the holding would, by reason of any devise, bequest, intestacy, or otherwise, become subdivided, the Land Commission may require the holding to be sold within twelve months after the death of the proprietor to some one person, and if default is made in selling the same, the Land Commission may cause the same to be sold.

The Rules of the Land Commissioners prescribe the fees payable under this part of the Act as follows :

| | £. | s. | d. | |
|---|---|---|---|---|
| For negotiations between landlord and tenant up to and including signing contract - - | - | 10 | - | per 100 *l.* of the purchase-money. |
| For subsequent expenses - - - - | 2 | - | - | „ |

Including (if contract be completed) conveyance from landlord to tenant, mortgage to Commissioners, registration, and stamp duty.

If a landlord offers his estate to the Land Commission, the following fees are payable :

| | £. | s. | d. | |
|---|---|---|---|---|
| For the expenses up to and including notice by the Commission to the landlord of their being satisfied to purchase - - - - | - | 10 | - | per 100 *l.* |
| Together with the subsequent expenses; that is to say, the actual outlay by the Commission in completing the sale. | | | | |

Where it is necessary to value the holding of a tenant who applies for an advance to purchase his holding in the Land Judges' Court, the Land Commission will charge a fee not exceeding 10 *s.* per cent. on the value to cover any expense incurred.

Every application must be accompanied by an Ordnance sheet, showing accurately the lands in question.

Communications to the Land Commission should be in writing, and need not be prepaid.

Address—

The Secretary,
Irish Land Commission,
24, Upper Merrion-street,
Dublin.

## APPENDIX E.

PAPERS handed in by Mr. *G. Fottrell*, Jun., 24 March 1882.

REPORT of the SOLICITOR of the IRISH LAND COMMISSION on PART V. of the LAND LAW (IRELAND) ACT, 1881.

To the Irish Land Commissioners.

My Lord and Gentlemen,

THE Land Act received the Royal Assent on the 22nd August 1881. The Rules framed by the Irish Land Commission for carrying it into effect were issued on the 1st October 1881.

This Report deals with the first three months of the actual working of the Act, viz., from the 1st October 1881 to 31st December 1881.

During this period the advances sanctioned by the Irish Land Commission to enable tenants to purchase their holdings amounted in all to 19,061 *l.*

In the Schedule to this Report I have set out the particulars of these advances.

The power to make advances to tenant purchasers is given to the Irish Land Commission by three several sections of the Land Act.

By Section 24 the Commission is authorised to make advances to enable tenants to purchase their holdings direct from their landlords.

By Section 26 the Commission is empowered to purchase an entire estate with a view of re-selling it among tenants, the Commission taking a mortgage for such portion of the tenant's purchase moneys as may not be paid in cash.

Section 35 transfers to the Commission the powers formerly vested in the Board of Works regarding advances to tenant purchasers, and thus enables the Commission to make advances to tenants who purchase their holdings in the Landed Estates Court.

It will be seen by the Schedule to this Report that, of the application for advances entertained by the Commission, only one was under section 26. Seven were under section 24, and five were under section 35.

It is worthy of note that, in no instance, has an application been made for advances to enable tenants to purchase their holdings in consideration of a fine and a fee-farm rent; all the purchases have been for principal sums.

It is likewise to be observed that, in no case, has an application been made for an advance in connection with a sale from a limited owner to a tenant. The vendor has invariably been an absolute owner.

The sales actually carried out and the advances sanctioned show that the purchase clauses of the Act have not, up to the present, been extensively availed of. The enquiries made in my department by landlords, by tenants, and by solicitors in connection with the projected sales, have, however, been numerous, and they have enabled me to form some judgment of the causes which have hitherto operated to impede the free working of Part V. of the Act, and of how far these causes may be expected to impede its working in the future.

In some counties the landlords are willing to sell, but the tenants are not yet disposed to purchase: in other counties the position is reversed, the tenants are willing to purchase, while the landlords have not made up their minds to sell; but, as a general rule, it may be said that until the fair rents of the tenants' holdings shall have been arrived at, either by the judicial decisions of the Land Commission, or by arbitration, or by agreement, the sales from landlords to tenants will be comparatively few.

Both parties seem to arrive at the capital or purchase value of the land through its annual value, so that until the annual value shall have been established, they have not a standard by which they are likely to come to a bargain for the sale of the holdings. This difficulty will, it may be hoped, gradually disappear according as the fair rents of the tenancies are fixed, and assuming the fair rents to have been arrived at, there is reason to believe that the sales from landlord to tenant would be both numerous and rapid, provided that there were, as a rule, only two persons having interests in the land, viz., the owner in fee and the occupier.

However, in Ireland, it is not often that the landlord and his tenant own between them the fee simple.

A large proportion of Irish landlords hold under settlements or wills by which they have been constituted, not owners in fee, but tenants for life, and it has been estimated that, as regards nearly one-third of all the land in Ireland, there are middlemen intervening between the owner in fee, and the occupier.

Once the fair rent question has been settled, the difficulties which may be expected most materially to retard the rapid creation of a peasant proprietary will, so far as I can see, proceed mainly from the state of the law regarding (*a*) owners who are tenants for life, and (*b*) owners who are middlemen.

The 25th section of the Act of last Session gives to the landlord, who is tenant for life, the power to sell the holding to the occupier, but it gives him no inducement to do so.

Unless there be a power of sale reserved in the settlement or will by which the landlord has been constituted "tenant for life" (a power which, although very general in English, is not usually found in Irish settlements), the purchase-money of the holding must be lodged in the Chancery Division of the High Court of Justice, there to be dealt with in the manner provided by the Lands Clauses Consolidation Acts. These Acts provide that the money so lodged shall be invested in Government Stock or real securities, and the dividends paid from time to time to the persons who would have been entitled to the rents. The almost invariable practice is to invest the money in New Three per Cent. Stock.

See how this would work. *A.*, who is an owner not absolute, but only as tenant for life, avails himself of the 25th section to sell to the occupiers holdings which produce an annual rental of 500 *l.* He obtains, say 20 years' purchase, viz., 10,000 *l.* This money is lodged in the Chancery Division, is invested in Government Stock, and an order is made that the annual dividends be paid to *A.* during his life, but these dividends would amount to only 300 *l.* So that by the transaction the owner would have diminished his income by 40 per cent.

I fear that Irish landlords will not be willing, in any large numbers, to incur so serious a diminution of income; and, therefore, I would respectfully urge the advisability of asking for some alteration of the law, with a view of obviating a difficulty which has already hindered sales from landlords who were anxious to sell to tenants who were anxious to purchase, and which I have reason to apprehend will continue to impede seriously the free working of the purchase clauses of the Act.

So far as I can judge from enquiries made in my department by landlords desirous of selling their estates, and by their solicitors, I believe that the plan most likely to induce limited owners to sell to the occupiers would be one which would enable the capitalized value of the tenancy for life, or other limited interest, to be paid to the owner of it.

An illustration will make my meaning clearer. Take the case already cited. *A.* is the tenant for life of a fee-simple estate, producing a rental of 500 *l.* per annum. *B.*, the remainder man, who would be entitled to the whole estate on the death of the tenant for life. *A.*, by virtue of the power given to him by the 25th section, sells the fee-simple of the entire estate for 10,000 *l.* This fund, if invested in Government New Three per Cents., would produce annually about 300 *l.* *A.* is entitled during his life to receive this 300 *l.* annually.

Assume that his age is 40. By the actuarial tables it will be seen that, at 3 per cent., the present capital value of *A.'s* interest in the fund is - - - £. 5,143 - -
And the present capital value of *B.'s* interest in it is - - - - 4,857 - -

Total - - - £. 10,000 - -

The relative interests of the tenant for life and of the remainder man respectively in the fund would, of course, vary according to the age of the tenant for life, but in the case above stated, I think it will be found that *A.* will be more tempted to sell the estate, by the knowledge that, if he so desires, he can claim to have 5,143 *l.* paid to him in cash, than he would be by the prospect of obtaining through the Chancery Division of the High Court a sum of 300 *l.* each year during his life.

The capital sum he might invest in one of many ways which might for him be more profitable or more desirable than a three per cent. annuity; he might use it in business, he might employ it in purchasing the head interest in land of which at present he is the occupier subject to a rent (for in Ireland there are many men who are landlords of one estate and tenants of another), he might invest it in land in England, or in the United States, or in the Colonies.

I do not contend that, on a sale being made, all limited owners will elect to take the capital sum in preference to the annual dividends, but it seems probable that the majority of them would do so, especially if they happen to have incumbered their life estates.

Loans on life estates in Ireland are (unless the transaction is a very large one) usually borrowed at a rate of interest not less than five per cent., and if to this rate be added the premiums on the policy of insurance, which is always required as a collateral security, it will be seen that a tenant for life who would elect to take the annual dividends at three per cent. on the invested proceeds of the sale, would be crushed beneath the weight of the interest and premiums which he would be obliged, out of a seriously diminished income, to pay for the remainder of his life, whereas, if he accepted the capital sum, he could pay off the loan and sell or surrender the policy.

Suppose, for example, that *A.*, the tenant for life in the case above referred to had, when 35 years of age, borrowed 1,000 *l.* on the security of his life estate in the lands yielding the

the annual rent of 500 *l.* For this loan he would have contracted to pay during his life, or so long as the money remained due—

| | | | |
|---|---|---|---|
| (*a.*) Interest at 5 per cent. - - - - - - - - | £. | 50 | - - |
| (*b.*) Premium on policy for 1,100 *l.* on his life - - - - | | 31 | - - |
| Total - - - | £. | 81 | - - |

*N.B.*—The policy is always for a somewhat larger sum than the amount of the loan.

This annual deduction, heavy enough when *A.'s* income was 500 *l.* per annum, would become a very grievous tax upon him as an annuitant drawing only 300 *l.* a year from the funds.

It therefore seems probable that on sales being made by the tenants for life, they would, as a rule, prefer to receive the capitalized value of their interest in the proceeds. But there are interests, other than those of the tenant for life, which must be considered.

A plan which might relieve a tenant for life by doing an injustice to the remainder man, or *vice versâ*, would be self-condemned. Could the suggested alteration work injustice? Clearly not to the tenant for life, for whether he got a capital sum or a life annuity would depend upon his own option; but suppose that in the case already quoted, *A.*, the tenant for life, exercised his option of taking out of the 10,000 *l.* the sum of 5,143 *l.* in cash as the capitalized value of his life tenancy, what would be the position of *B.*, the remainder man? If *B.* were both able and willing to commute his reversionary right to the 10,000 *l.* in exchange for a present cash payment of 4,857 *l.*, all would be well; but if *B.*, the remainder man, happened to be a minor or a lunatic, or in some other respect under a disability and incapable of consenting, or, if he (as he fairly might do) refused to commute his reversionary right, the right, namely, to obtain a sum of 10,000 *l.* at the death of *A.*, how is this right to be secured to him? By the investment of the 4,857 *l.* at compound interest, an investment which, if *A.'s* life lasted for the average duration of human life on the basis of which actuarial tables are calculated, would produce 10,000 *l.* at the date of *A.'s* death. But it is here that the difficulty arises. While there is nothing more certain than the average duration of a large number of lives taken together, there is nothing more uncertain than the duration of any one of those lives taken separately, and it would seem to be hardly fair to impose on the remainder man, without his consent or against his will, the risk of loss owing to this uncertainty. The risk is only in the individual case; there is no risk of loss on an average of a large number of cases, and therefore the principle of insurance could be applied.

In every case in which the tenant for life elected to take the capitalized value of his life tenancy, and in which the remainder man could not or would not consent to commute his reversion, it would seem that, if the balance of the fund, after paying off the tenant for life, were handed over to the Commissioners for the Reduction of the National Debt, or to whatever department such transactions would properly belong to, the State could, without loss, insure to the remainder man, payment of the entire trust fund, at the death of the tenant for life.

If a slight fraction over and above 3 per cent. were necessary to defray to the State the possible expenses in connection with such transactions, a corresponding reduction could be made from the amount to be paid to the tenant for life.

There is an objection which may be urged, viz., that the State might incur serious loss by reason of tenants for life, who are in delicate health, availing themselves largely of the suggested scheme, while the able and vigorous among them might elect to take the life annuity, instead of the capital sum. This objection would equally apply to all schemes of insurance, and I should think that there ought not to be much difficulty in devising tests by medical examination and otherwise, which would in practice surmount it. That it has been effectually surmounted by insurance companies, founded for commercial profit, may fairly be inferred from the growing number and prosperity of those institutions. Of course, in the event of the tenant for life claiming to have the capital value of his life tenancy paid to him, care should be taken that the trustees of the settlement, the remainder man, and all other persons interested in the fund, should receive due notice before any such commutation would be sanctioned, so as to prevent the possibility of any injustice being done.

There is frequently reserved in settlements what is called a "gift over" on the bankruptcy of the tenant for life; the effect of which is that, on the happening of that event, his interest passes away from him and becomes vested in someone else, usually his wife.

In such a case it will probably be considered only just that the commutation by the tenant for life should not be permitted without the consent of the person in whose favour the "gift over" is reserved.

Some such scheme as that sketched above would, I believe, offer greater inducements than any other to limited owners to sell their lands to the occupiers, and would materially facilitate the creation of peasant proprietors in Ireland; but, assuming that it would not be possible to obtain legislative sanction to such a plan, something might be done by a short enactment giving to the Irish Land Commission in the case of sales by limited owners the power to pay over the entire fund to trustees to be dealt with by them according to the trusts of the settlement or will under which the property was held. This power the Commission already has by the 71st section of the Lands Clauses Consolidation Act, 1845 (8 Vict. c. 18), where the purchase-money is under 200 *l.* Something might be

effected towards encouraging limited owners to sell, by thus enabling the trustees of the settlement to receive the purchase-money instead of compelling it to be lodged in court, because there can be little doubt that the prospect of their money going into Chancery impresses upon ordinary lay minds a sense of desolation such as weighed upon Dante's heart, when, on approaching the Gates of Inferno, he read the doleful lines inscribed above them.

It is to be remembered that by authorising in every case (due notice of course being given to the parties interested in the fund) the Commission to pay over the fund to trustees instead of lodging it in Chancery, the Legislature would be doing no more than importing by statute into every Irish settlement that which is expressly contained in the generality of well-drawn English settlements, viz., a power of sale, because where such a power is expressly contained in the settlement under which the lands about to be sold are held, the Commission can under the existing law pay the proceeds of the sale to the trustees of such settlement.

I have reason to believe that an impediment to sales by limited owners would likewise be removed by empowering the trustees on receiving the proceeds of any such sale to invest them at the request of the tenant for life in any of the modes of investment which are usually expressly authorised in well-drawn settlements, *e. g.* Railway Preference or Debenture Stock, as well as in those which (in the absence of an express prohibition in the settlement) are authorised by the Statute 22 & 23 Vict. c. 35, viz., real securities in any part of the United Kingdom, Stock of the Bank of England or Ireland, or East India Stock.

So far as regards sales by tenant for life.

The next question to which I would ask leave to call attention, viz., "How are the interests intermediate between that of the actual occupier of the holding and that of the head landlord or owner of the fee-simple to be extinguished," is an enquiry which is of pressing importance in connection with the rapid creation of a peasant proprietary.

The Land Act of last Session empowers the Commission to advance money to enable the occupier to purchase the interest of his "landlord," by which term is meant his immediate landlord. Now if this immediate landlord happens to have over him a superior landlord, it frequently happens that practically no sale can be made to the occupier at all. The difficulty will easily be seen from an illustration.

*A.* is head landlord over an estate of say 200 acres, which he or his ancestors may have leased to *B.* for ever, or for a long term, at a rent of 60 *l.* a year. *B.*, or his ancestors, subdivided and sublet the estate among 20 tenants, each paying rents ranging from 5 *l.* to 15 *l.* a year, so that in the aggregate *B.* receives 160 *l.* a year and pays 60 *l.* a year. *B.* now desires to sell to his tenants, who are willing to purchase, but not at high or fancy prices. He cannot sell without *A.'s* consent, because *A.* can, and most likely will, refuse to receive his rent of 60 *l.* save in one sum, and as *ex hypothesi* there is no one of the tenants' holdings sufficiently valuable to bear the entire head rent and to indemnify all the other holdings against it, it is plain that *B.* must purchase up *A.'s* head rent of 60 *l.* before he can sell to the tenants. *A.* being thus complete master of the situation will probably ask for his head rent a sum considerably beyond its market value, and *B.'s* only option will be to pay him that sum or abandon the sale to the tenants. The case will sometimes be reversed, but the block will still continue. It may be that *A.*, the head landlord, is anxious to sell to the occupying tenants, but they cannot buy from him direct, because they could not borrow from the Commission any portion of the purchase-money so long as *B.*, the middleman, stands in the way. It would therefore be necessary for *A.* to purchase *B.'s* interest before having any dealings with the occupying tenants, and *B.*, knowing this, will probably ask for his interest a sum much beyond its market value, and so the sale to the occupiers will most likely fall through.

This difficulty is no mere theoretic one; already, even in the short period during which the Act has been in force, I have had several cases before me in which contemplated sales to tenants have been abandoned, owing to the belief (whether well founded or not, I cannot say) that the person in whom was vested the interest, which should be purchased before the sale to the tenants could be effected, would exact for that interest a sum so far beyond its market value as to render the sale to the tenants a very losing transaction.

It may be interesting to recall the circumstances under which the enfranchisement of copyholds took place in England, for, in the progress of that operation, the difficulties which I have just adverted to in connection with the extinguishment of middlemen's interests in Irish land, exhibited themselves and were finally surmounted.

The copyhold tenure had long proved inconvenient, and there was a consensus of opinion that it would be desirable to take steps for its abolition, by enabling the tenant to become the owner of the lands freed from fines and services, or by enabling the lord to become the possessor of the lands discharged from the tenancy.

In 1841, an Act (4 & 5 Vict. cap. 35) was passed with a view of inducing the lord and the tenant to bargain between themselves so that either party should purchase out the other.

The result exhibited difficulties exactly similar to those which I have pointed out as impediments to the extinguishment of middlemen's interests. The lord, if anxious to buy out his tenant, found that the latter, on discovering this anxiety, at once demanded a fancy price for his tenancy; the tenant, if he made overtures to the lord for the commutation of the fines and services, discovered that the value set upon them was beyond what he considered them worth, and thus very little was done towards the enfranchisement of copyholds.

In

In 1852, a further Act (15 & 16 Vict. c. 51) was passed, which introduced a new principle, and with very remarkable results. Instead of trying to *induce* the lord to bargain with the tenant, and the tenant with the lord, it brought them together at once by giving to either party the right to *compel* the other to consent to the enfranchisement in the manner provided by Section 2, which was as follows:—

"In every case where, under the powers of this Act, any lord or tenant shall become entitled to require, and shall require, the enfranchisement of any copyhold lands, he shall give notice in writing, the lord to the tenant or the tenant to the lord, as the case may be, of his desire that such lands should be enfranchised, and the consideration to be paid to the lord for such enfranchisement shall, unless the parties agree about the same, be ascertained under the direction of the Copyhold Commissioners, upon application to them in writing in the manner following, viz., by two valuers, one to be appointed by the lord and the other by the tenant, and such two valuers, before they proceed, shall appoint an umpire, to whom any points in dispute between them shall be referred; and in case the valuers or umpire, as the case may be, shall not make their or his decision, and deliver the particulars thereof in writing to the lord and tenant, or the solicitor or agent of such lord and tenant, within forty-two days after the appointment of such valuers, or after the matter shall have been referred to such umpire, as the case may be, then the Commissioners shall act as umpire in fixing the consideration to be paid or rendered to the lord; and in any case where either party shall neglect or refuse for twenty-eight days after being called on so to do, to appoint his valuer, the Commissioners shall appoint a valuer for him as soon as may be after the expiration of such twenty-eight days; and in any case where any valuers appointed under this Act, either originally or in the place of any other valuer, shall for the space of one week after their appointment be unable to agree in the appointment of such umpire, the Commissioners shall appoint such umpire; and such umpire shall give in his award in manner and within the time aforesaid, and if he shall neglect or refuse, or on any account fail so to do, the Commissioners shall act as such umpire as aforesaid: Provided always, that it shall be lawful for the lord and tenant to appoint one and the same person as valuer, and in such case the valuations, acts, and award of such single valuer shall have the same effect as the valuations, acts, and award of the valuers or umpire under the provision herein contained: Provided also, that it shall be lawful for the said Commissioners on application to them in writing by such lord or tenant, or such umpire as aforesaid, if the said Commissioners shall see fit to extend the time within which a valuer may be appointed, or any decision or award under this Act may be given."

The new statute had an immediate effect. The parties who had previously held aloof from one another, each fearing that any overtures from him would only enhance the price which he would be asked to pay for what he desired to purchase, now rapidly came together, and without much difficulty arranged the terms of the enfranchisement.

The efficacy of the new principle may be judged from the fact that while in the four years succeeding the Act of 1841 there were only 136 copyholds enfranchised, the same period succeeding the Act of 1852 saw 885 copyholds enfranchised, and, so far as I can learn, this result was productive of no dissatisfaction among the parties interested.

I fear that until the principle which the Act of 1852 so efficaciously applied to the enfranchisement of copyholds in England has been extended to the analogous operation of extinguishing middlemen's interests in Ireland, their extinguishment will progress but very slowly, and their continued existence must prove a serious impediment to the growth of a peasant proprietary.

It has been suggested that the difficulty occurring in sales from a middleman to his tenants in relation to the rent payable by the middleman to his head landlord might be met by giving to the Commission the power of apportioning that head rent among the several occupiers about to purchase their holdings. In this suggestion I cannot concur. The exercise of such a power might work grave injustice.

A head rent of 50 *l.* a year, payable in one sum, has a very different value from one of the same amount, but payable in twenty different sums, and collectible from twenty different people.

The Landed Estates Court possesses this power of apportioning head rents. It was conferred upon that Court by the 72nd section of the Act of 1858 (21 & 22 Vict. c. 72).

I find, on inquiry, that so keenly alive have the judges of the Landed Estates Court been to the hardship which the exercise of the power so conferred on them might entail, that during the last twenty years they have not put it into operation above a dozen times in all.

There are two matters of detail to which, in conclusion, I would ask leave to call attention. One relates to stamp duties in connection with sales under the 26th section, and the other has reference to the reconveyance of the mortgages, given by tenant purchasers, to secure the advances which they receive from the Commission.

The Commission can, in the case of sales in the Landed Estates Court, advance money to tenant purchasers, both under the 35th section, *i.e.* where the conveyance is made from the Landed Estates Court direct to the tenant, and under the 26th section, *i.e.* where the conveyance is made from the Landed Estates Court to the Commission, and then from the Commission to the tenants. Where the holding is large the advance will usually be

made under the 35th section, because the Landed Estates Court will, in preparing the rental of the estate for sale, without difficulty make a large holding into a separate lot, so that the tenant can bid for it himself. In the case of small holdings it is different. Several of them are usually grouped together in one lot, and the subdivision afterwards of them into separate lots by the Landed Estates Court, with its necessarily elaborate procedure, would entail expense quite disproportioned to the value of the holdings, and would inevitably tend to discourage the tenants from trying to purchase. Purchases by the tenants of small holdings, for sale in the Landed Estates Court, will therefore usually be carried out under the 26th section. The conveyance of the entire lot will be made by the Landed Estates Court to the Commission, who will then at comparatively small cost subdivide the lot into holdings, and convey each holding to the tenant of it.

Now in this transaction the Commission is merely a conduit pipe from the Landed Estates to the several tenants, and I respectfully submit that it is a hardship on the tenant purchasers of these small holdings to be subjected to a double stamp duty, viz., a stamp duty of 10*s.* per cent. on the amount of the purchase-money on the conveyance from the Landed Estates Court to the Commission, and a stamp duty at the same rate on the conveyance from the Commission to the several tenants.

The continued imposition of the double stamp duty will, I believe, materially interfere with and discourage sales under the 26th section.

It is to be remembered that, in addition to these stamps, the tenants have to pay a stamp duty of 2*s.* 6*d.* per cent. on the mortgage which they give to secure the amount advanced by the Commission.

Regulations regarding the re-conveyance to be given by the Commission to tenant purchasers when they shall have paid off the amount of the advances made to them are not, perhaps, of much immediate importance, but still it may be not entirely out of place to draw attention to any means by which they may be simplified.

I beg respectfully to suggest that it would be a convenience both to the Commission and to tenant purchasers if the provisions contained in the Building Societies Act of 1874 (37 & 38 Vict. c. 42), with respect to the re-conveyance by building societies of mortgages vested in them were extended to mortgages vested in the Commissioners.

These provisions are contained in the 42nd section, by which it is enacted as follows:—

"When all moneys intended to be secured by any mortgage or further charge "given to a society under this Act, in England or Ireland, have been fully paid or "discharged, the society may endorse upon or annex to such mortgage or further "charge a re-conveyance of the mortgaged property to the then owner of the equity "of redemption, or to such persons and to such uses as he may direct, or a receipt "under the seal of the society, countersigned by the secretary or manager, in the "form specified in the Schedule to this Act; and such receipt shall vacate the "mortgage or further charge or debt and vest the estate of and in the property "therein comprised in the person, for the time being, entitled to the equity of "redemption, without any re-conveyance or re-surrender whatever; and if the said "mortgage or further charge has been registered under any Act for the registration "or record of deeds or titles, the Registrar, under such Act, or his deputy or "assistant registrar, or the recording officer as the case may be, or in the case of "copyholds or lands of customary tenure, if the mortgage or further charge has been "entered on any court rolls the steward of the manor or his deputy respectively "shall, on production of such receipt, verified by oath of any person, make an entry "opposite the entry of the charge or mortgage, to the effect that such charge or "mortgage is satisfied, and shall grant a certificate, either on the said mortgage "or charge or separately, to the like effect, which certificate shall be received in "evidence in all courts and proceedings without any further proof, and which entry "shall have the effect of clearing the register or record of such mortgage, and the "Registrar or recording officer shall be entitled to a fee of two shillings and six "pence for making the said entry and granting the said certificate, and such fee "shall, in Ireland, be paid by stamps and applied as the other fees of the Registry "of Deeds Office and Record of Title Office are now by law directed to be paid "and applied."

FORM of RECEIPT to be endorsed on MORTGAGE.

"The Building Society hereby acknowledge to "have received all moneys intended to be secured by the within (or above) written "deed.

"In witness whereof the seal of the Society is hereby affixed this "day of , by order of the Board of Directors (or Committee "of Management) in the presence of

"Secretary (or Manager)."

The mode of releasing mortgages conferred by this section has two advantages. In the first place, it gives an exemption from stamp duty; and secondly, which is, perhaps, of still more value, it relieves the building societies from the necessity of investigating title, with a view of seeing that the re-conveyance of the mortgaged property is not made to the wrong person.

It would be very desirable that these advantages should be extended to the Commission.

(signed) *Geo. Fottrell*, Jun.,
Solicitor to the Irish Land Commission.

11 February 1882.

## List of Advances sanctioned up to 31st December 1881.

### Section 24.

| County. | Estate. | Number of Tenants. | Amount of Advances Sanctioned. |
|---|---|---|---|
| | | | £. s. d. |
| Westmeath - - - | Goodbody - - - - - | 1 | 1,387 – – |
| Antrim - - - - | Boyd - - - - - - | 1 | 1,500 – – |
| Roscommon - - - | Conry - - - - - - | 1 | 1,500 – – |
| Tipperary - - - | Stoney - - - - - | 6 | 2,325 – – |
| Antrim - - - - | White - - - - - - | 1 | 800 – – |
| Westmeath - - - | O'Reilly - - - - - | 3 | 1,130 – – |
| Roscommon - - - | Johnston - - - - - | 1 | 300 – – |
| | Total - - - | 14 | 8,942 – – |

### Section 35.

| | | | |
|---|---|---|---|
| Galway - - - - | O'Kelly (Joyce) - - - | 1 | 220 – – |
| Cork - - - - - | Fitzgerald (Mrs. Haynes) - | 1 | 2,500 – – |
| Kildare - - - - | Best (Shackleton) - - | 1 | 2,100 – – |
| Kildare - - - - | Bury (Harris) - - - | 1 | 700 – – |
| Meath - - - - | Ennis (Flood) - - - | 1 | 3,000 – – |
| | Total - - - | 5 | 8,520 – – |

### Section 26.

| | | | |
|---|---|---|---|
| Down - - - - - | O'Donnell - - - - | 27 | 1,599 – – |
| | Total - - - | 27 | 1,599 – – |

### SUMMARY.

| | Number of Applications | Number of Tenants. | |
|---|---|---|---|
| | | | £. s. d. |
| Section 24 - - - | 7 | 14 | 8,942 – – |
| „ 35 - - - | 5 | 5 | 8,520 – – |
| „ 26 - - - | 1 | 27 | 1,599 – – |
| Total - - - | 13 | 46 | 19,061 – – |

No. of Sub-Commission .

Assistant Commissioners {

SCHEDULE to Report, dated day of 188 , showing Particulars of the Cases in which Rents have been Fixed.

| COUNTY. | Record No. | TENANT. | LANDLORD. | Area of Holding in Statute Measure. | Poor Law Valuation. | | Old Rent. | Fair Rent according to Evidence given on behalf of the Landlord. | Fair Rent according to Evidence given on behalf of the Tenant. | Judicial Rent Fixed. | OBSERVATIONS. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Gross. | Nett, *i.e.*, without Buildings. | | | | | |
| | | | | A. R. P. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | |

## APPENDIX F.

PAPER handed in by Mr. *Litton*, Q.C., 31 March 1882.

(*Confidential.*)

## LAND LAW (IRELAND) ACT, 1881.

### IRISH LAND COMMISSION.

The following Sittings of the Sub-Commissions have been arranged.

Dated 24th March 1882.

By Order, *Denis Godley*, Secretary.

| | | | | Names of Assistant Commissioners. |
|---|---|---|---|---|
| No. 1.—Counties of ANTRIM and DERRY. | Lisburn | 20 April | That part of Unions of Lisburn and Lurgan in Antrim. | |
| | Belfast | 24 „ | Belfast in Antrim | |
| | Larne | 1 May | Union of Larne | |
| | Antrim | 8 „ | Union of Antrim | |
| | Ballymena | 22 „ | Union of Ballymena | |
| | Ballymoney | 5 June | Union of Ballymoney, partly in Antrim and partly in Derry. | |
| | Cushendall | 19 „ | Union of Ballycastle | |
| | Coleraine | 3 July | Union of Coleraine, partly in Antrim and partly in Derry. | |
| | Magherafelt | 10 „ | Union of Magherafelt | |
| | Limavady | 24 „ | Union of Limavady | |
| | Londonderry | 31 „ | That part of Union of Londonderry in Derry. | |
| No. 2.—County of DOWN | Newry | 17 April | That part of Union of Newry in Down. | |
| | Kilkeel | 1 May | Union of Kilkeel | |
| | Downpatrick | 15 „ | Union of Dowopatrick | |
| | Newtownards | 5 June | Union of Newtownards | |
| | Belfast | 26 „ | That part of Union of Belfast in Down. | |
| | Lisburn | 3 July | Those parts of the Unions of Lisburn and Lurgan in Down. | |
| | Banbridge | 24 „ | That part of the Union of Banbridge in Down. | |
| No. 3.—County of ARMAGH | Lurgan | 17 April | That part of Union of Lurgan in Armagh. | |
| | Armagh | 15 May | That part of Union of Armagh in Armagh. | |
| | Newtownhamilton | 26 June | That part of Union of Castleblayney and of Dundalk in Armagh. | |
| | Newry | 10 July | That part of Union of Newry in Armagh. | |
| | Tanderagee | 7 August | That part of Union of Banbridge in Armagh. | |
| No. 4.—County of TYRONE | Strabane | 17 April | That part of Union of Strabane in Tyrone. | |
| | Castlederg | 1 May | Union of Castlederg | |
| | Newtownstewart | 15 „ | Union of Gortin | |
| | Omagh | 29 „ | Union of Omagh, and that part of Unions of Enniskillen and Irvinestown in Tyrone. | |
| | Clogher | 26 June | That part of Union of Clogher in Tyrone. | |
| | Dungannon | 3 July | Union of Dungannon, and that part of Union of Armagh in Tyrone. | |
| | Cookstown | 31 „ | Union of Cookstown | |

| | | | | Names of Assistant Commissioners. |
|---|---|---|---|---|
| No. 5.—Counties of DONEGAL and FERMANAGH. | Lifford - - | 17 April - | That part of Union of Strabane in Donegal. | |
| | Buncrana - - | 24 „ - | Union of Inishowen, and that part of Union of Londonderry in Donegal. | |
| | Letterkenny - | 8 May - | Unions of Letterkenny, Dunfanaghy and Milford. | |
| | Stranorlar - | 22 „ - | Union of Stranorlar - - | |
| | Glenties - | 5 June - | Union of Glenties - - | |
| | Donegal - - - | 19 „ | Union of Donegal - - - | |
| | Ballyshannon | 3 July - | Union of Ballyshannon, partly in Fermanagh and partly in Donegal. | |
| | Pettigoe - | 10 „ | That part of Union of Irvinestown in Fermanagh, and the Electoral Division of Pettigoe in County Donegal. | |
| | Enniskillen - - | 17 „ | Union of Enniskillen - | |
| | Lisnaskea - - | 31 „ - | Union of Lisnaskea - - | |
| | Clones - | 7 August - | That part of Union of Clones in Fermanagh. | |
| No. 6.—Counties of CAVAN and MONAGHAN. | Carrickmacross - | 17 April - | Union of Carickmacross, and that part of Union of Dundalk in Monaghan. | |
| | Castleblayney - - | 1 May - | That part of Union of Castleblayney in Monaghan. | |
| | Monaghan - | 15 „ - | Union of Monaghan, and that part of Union of Clogher in Monaghan. | |
| | Clones - | 29 „ - | That part of Union of Clones in Monaghan. | |
| | Swanlinbar - | 12 June - | Union of Bawnboy, and that part of Union of Enniskillen in Cavan. | |
| | Cavan - - | 26 „ | Union of Cavan, and that part of Union of Granard in Cavan. | |
| | Cootehill - - | 10 July - | Union of Cootehill, partly in Monaghan and partly in Cavan. | |
| | Bailieborough - - | 24 „ | Union of Bailieborough, and that part of Union of Kells in Cavan. | |
| | Virginia - - | 7 August - | That part of Union of Oldcastle in Cavan. | |
| No. 7.—Counties of LEITRIM, ROSCOMMON, and SLIGO. | Ballyshannon - - | 17 April - | That part of Union of Ballyshannon in Leitrim. | |
| | Manorhamilton | 24 „ - | Union of Manorhamilton - - | |
| | Sligo - - | 1 May - | Union of Sligo - - - - | |
| | Easky - - | 15 „ - | Union of Dromore, West, and that part of Union of Ballina in Sligo. | |
| | Tobercurry - | 22 „ - | Union of Tobercurry - - | |
| | Boyle - - - | 29 „ - | Union of Boyle, partly in Sligo and partly in Roscommon. | |
| | Carrick-on-Shannon | 12 June - | Union of Carrick-on-Shannon, partly in Leitrim and partly in Roscommon. | |
| | Ballinamore - - | 26 „ - | Union of Mohill, and that part of Union of Bawnboy in Leitrim. | |
| | Strokestown - | 3 July | Union of Strokestown - - | |
| | Castlerea - - | 10 „ - | That part of Union of Castlerea in Roscommon. | |
| | Roscommon - - | 17 „ - | That part of Union of Roscommon in Roscommon. | |
| | Athlone - - - | 31 „ - | Those parts of Unions of Athlone and Ballinasloe in Roscommon. | |
| No. 8.—County of MAYO | Ballyhaunis - - | 17 April - | Union of Claremorris - - - | |
| | Ballinrobe - - | 1 May - | That part of Union of Ballinrobe in Mayo. | |
| | Westport - - | 15 „ - | Union of Westport - - - | |
| | Castlebar - - | 29 „ - | Union of Castlebar - - | |
| | Newport - - - | 12 June - | Union of Newport - - - | |
| | Belmullet - - | 26 „ - | Union of Belmullet - - - | |
| | Killala - - - | 10 July - | Union of Killala - - - - | |
| | Ballina - - | 17 „ - | That part of Union of Ballina in Mayo. | |
| | Swineford - - | 31 „ - | Union of Swineford, and that part of Union of Castlerea in Mayo. | |

| | | | | Names of Assistant Commissioners. |
|---|---|---|---|---|
| No. 9.—County of GALWAY | Ballinasloe | 17 April | That part of Union of Ballinasloe in Galway. | |
| | Portumna | 1 May | Union of Portumna, and that part of Union of Scarriff in Galway. | |
| | Loughrea | 15 „ | Union of Loughrea | |
| | Gort | 29 „ | Union of Gort, and that part of Union of Ballyvaghan, in Galway. | |
| | Galway | 12 June | Union of Galway | |
| | Oughterard | 3 July | Union of Oughterard, and that part of Union of Ballinrobe in Galway. | |
| | Clifden | 10 „ | Union of Clifden | |
| | Tuam | 17 „ | Union of Tuam | |
| | Glennamaddy | 31 July | Union of Glennamaddy, and that part of Union of Roscommon in Galway. | |
| | Mount Bellew | 7 August | Union of Mount Bellew | |
| No. 10.—Counties of LIMERICK and CLARE. | Kilrush | 17 April | Unions of Kiladysert and Kilrush | |
| | Ennistymon | 1 May | Union of Ennistymon | |
| | Ballyvaghan | 8 „ | That part of Ballyvaghan in Clare | |
| | Ennis | 15 „ | Unions of Ennis, Corrofin, and Tulla | |
| | Killaloe | 5 June | That part of Union of Scarriff in Clare | |
| | Limerick | 12 „ | Union of Croom and Union of Limerick, partly in Clare and partly in Limerick, and that part of Union of Tipperary in Limerick | |
| | Kilmallock | 3 July | That part of Unions of Kilmallock and Michelstown in Limerick. | |
| | Rathkeale | 17 „ | Union of Rathkeale | |
| | Newcastle | 31 „ | Union of Newcastle, and that part of Union of Glin in Limerick. | |
| No. 11.—County of KERRY | Listowel | 17 April | Union of Listowel, and that part of the Union of Glin in Kerry. | |
| | Tralee | 8 May | Tralee | |
| | Dingle | 29 „ | Dingle | |
| | Killarney | 12 June | Killarney | |
| | Cahersiveen | 3 July | Cahersiveen | |
| | Kenmare | 24 „ | Kenmare | |
| No. 12.—County of CORK | Mallow | 17 April | Union of Mallow, and that part of Union of Kilmallock in Cork. | |
| | Kanturk | 24 „ | Kanturk | |
| | Millstreet | 8 May | Millstreet | |
| | Macroom | 22 „ | Macroom | |
| | Dunmanway | 29 „ | Dunmanway | |
| | Skibbereen | 5 June | Skibbereen and Skull | |
| | Bantry | 12 „ | Bantry and Castletown | |
| | Clonakilty | 19 „ | Clonakilty | |
| | Bandon | 26 „ | Bandon | |
| | Kinsale | 3 July | Kinsale | |
| | Cork | 10 „ | Cork | |
| | Midleton | 17 „ | Midleton | |
| | Youghal | 24 „ | That part of Union of Youghal in Cork. | |
| | Fermoy | 31 „ | Union of Fermoy | |
| | Mitchelstown | 7 August | That part of Union of Mitchelstown in Cork. | |
| No. 13.—Counties of TIPPERARY and WATERFORD. | Borrisokane | 17 April | Union of Borrisokane | |
| | Nenagh | 1 May | Union of Nenagh | |
| | Roscrea | 8 „ | That part of Union of Roscrea in Tipperary. | |
| | Thurles | 15 „ | Union of Thurles | |
| | Tipperary | 22 „ | That part of Union of Tipperary in Tipperary. | |
| | Cashel | 29 „ | Union of Cashel | |
| | Callan | 5 June | That part of Unions of Urlingford and Callan in Tipperary. | |
| | Carrick-on-Suir | 19 „ | That part of Union of Carrick-on-Suir in Tipperary and in Waterford. | |
| | Clonmel | 26 „ | Union of Clonmel, partly in Tipperary and partly in Waterford. | |
| | Clogheen | 3 July | Union of Clogheen | |
| | Lismore | 10 „ | Union of Lismore, and that part of Union of Youghal in Waterford. | |
| | Dungarvan | 24 „ | Union of Dungarvan | |
| | Waterford | 31 „ | Union of Kilmacthomas, and that part of Union of Waterford in Waterford. | |

| | | | | Names of Assistant Commissioners. |
|---|---|---|---|---|
| No. 14.—Counties of DUBLIN and KILDARE, KING'S COUNTY and QUEEN'S COUNTY. | Dublin - - - | 17 April - | Unions of Balrothery, North Dublin, South Dublin, that part of Unions of Dunshaughlin and Rathdown in Dublin, and that part of the Union of Celbridge in Dublin and Kildare. | |
| | Naas - - - | 15 May - | That part of Unions of Naas, Athy, and Baltinglass in Kildare. | |
| | Edenderry - | 12 June - | That part of Union of Edenderry in Kildare and King's County. | |
| | Tullamore - - | 26 „ | That part of Union of Tullamore in King's County. | |
| | Parsonstown - - | 3 July - | Those parts of the Unions of Parsonstown and Roscrea in King's County. | |
| | Maryborough - - | 17 „ - | Union of Mountmellick, partly in King's County and partly in Queen's County, and that part of the Union of Athy in Queen's County. | |
| | Abbeyleix - | 31 „ - | Unions of Abbeyleix and Donaghmore, and that part of the Unions of Roscrea and Carlow in Queen's County. | |
| No. 15.—Counties of LONGFORD, WESTMEATH, MEATH, and LOUTH. | Longford - - | 17 April - | Union of Longford, and that part of Union of Ballymahon in Longford. | |
| | Granard - - | 1 May - | That part of Union of Granard in Longford and Westmeath. | |
| | Athlone - - - | 15 „ - | That part of Unions of Athlone and Ballymahon in Westmeath. | |
| | Mullingar | 29 „ | Unions of Mullingar and Delvin, and that part of Union of Tullamore in Westmeath, and that part of Union of Edenderry in Meath. | |
| | Kells - - | 19 June | Those parts of Unions of Oldcastle and Kells in Meath. | |
| | Dundalk - - - | 10 July | That part of Union of Dundalk in Louth. | |
| | Drogheda - | 17 „ - | Union of Drogheda, partly in Meath and partly in Louth, and Union of Ardee, partly in Meath and partly in Louth. | |
| | Navan - | 31 „ - | Union of Navan, and that part of Unions of Dunshaughlin and Celbridge in Meath. | |
| No. 16.—Counties of CARLOW, KILKENNY, WEXFORD, and WICKLOW. | Waterford - - | 17 April - | That part of Unions of Waterford and Carrick-on-Suir in Kilkenny, and that part of Union of New Ross in Wexford and Kilkenny. | |
| | Kilkenny - | 8 May | Unions of Castlecomer, Kilkenny, and Thomastown, and that part of Unions of Urlingford and Callan in Kilkenny. | |
| | Wexford - - | 5 June - | Union of Wexford - - | |
| | Enniscorthy - - | 12 „ | Union of Enniscorthy, partly in Wexford and partly in Carlow, and that part of Union of New Ross in Carlow, and Union of Gorey. | |
| | Carlow - - - | 3 July - | That part of Union of Carlow in Carlow, and Union of Shillelagh, partly in Carlow, partly in Wicklow, and partly in Wexford. | |
| | Baltinglass - | 17 „ - | That part of Union of Baltinglass in Wicklow and Carlow, and that part of Union of Naas in Wicklow. | |
| | Wicklow - - - | 31 „ - | Union of Rathdrum, and that part of Union of Rathdown in Wicklow. | |

Each Court will hear applications on the First Day of their Sitting as to the hearing of the cases in the List at other towns within the Unions, other than the town above-mentioned, to suit the convenience of parties.

Lists of the Cases to be heard can be obtained from two to three weeks before the date on whioh the Sub-Commission sits by applying to the Secretary, 24, Upper Merrion-street, Dublin.

## APPENDIX G.

PAPER handed by Mr. *Litton*, Q.C., 30 March 1882.

FORM of Note of Adjudication by Sub-Commissioner.

County Carlow. Appeal, No. 10.
Landlord.—Henry Mills Bunbury. Tenant.—Hugh Cullen.
Townland.—Cranavouane.

| | A. R. P. | Irish Plantation Measure. A. R. P. |
|---|---|---|
| Area of holding - - - | 259 3 11 | 159 3 0 |

| Rateable Value:— | £. s. d. |
|---|---|
| Land - - - | |
| Buildings - - | |
| Total - - - | |
| Rent - - - | |
| Judicial Rent - | |

Situation.--Five miles from Carlow town, and four from Bagnalstown; both railway stations.

Elevation.—Low and good.

Aspect.—Good.

Climate.—Good.

Roads.—Good.

Fences.—Good.

Soil.—Brown clay of good depth, but rather too many small stones in it.

Waste.—None.

Buildings.—Dwelling-house and offices.

Offices, part slated and part thatched.

Other improvements visible.—Nos. 1, 2, 3, 4, 5, 6, and 7, on map, have been well and effectively thorough drained, which has increased the letting value 10 *s.* to 12 *s.* per Irish acre.

Other improvements alleged.—There are some covered drains on No. 1 on map, alleged by the tenant to have been made by him; they have been made a considerable time, and for want of proper outfall their usefulness is much impaired.

Circumstances.—This is a fine farm, all under grass but one field, and is well watered, fenced, and sheltered, and I estimate its fair letting value at 46 *s.* per Irish acre, which amounts to 365 *l.* 14 *s.* per annum, but from which I would deduct for roads, 1 A. 2 R.= 3 *l.* 9 *s.*

Net annual value, 362 *l.* 5 *s.*

This holding is well managed, and in fine condition.

There is a comfortable residence and offices on this farm. Of the offices, some are slated and some thatched; the whole in good order, and of a character suitable to the holding. I consider their annual value to be 12 *l.*

Taxes moderate.

(signed) *F. W. Russell.*

FORM of Note of Adjudication by Sub-Commissioner.

County, Queen's. Appeal, No. 16.

Landlord.—Sir Anthony Wildon, bart. Tenant, Nicholas Fennell.

Townland.—Monebrock.

Nos. 1, 2, 3, and 4.

| | A. | R. | P. | | A. | R. | P. |
|---|---|---|---|---|---|---|---|
| Area of holding in Valuation Office - | 49 | 3 | 26. | Original notice | 49 | 3 | 26 |

| Rateable Value:— | £. s. d. |
|---|---|
| Land - - - | |
| Buildings - | |
| Total - - - | |
| Rent - - - | 33 12 8 |
| Judicial Rent - | |

Situation.—Four miles from Athy.

Elevation.—220 to 230 feet.

Aspect.—West, slight slope.

Climate.—

Roads.—Good country road at end of farm where tenant lives, but the 18 acres detached is reached by a circuit of nearly three-quarters of a statute mile by the road.

Fences.—Fair banks and hedges, old.

Soil.—1, 2, and 3, moor and gravel, very poor; 4-6, poor moory soil; 8 and 9 good if freed from water; 10, 11, 12, about 13 acres good barley soil.

Waste.—Half road and lane, and part of stream, about 1 rood and 26 perches.

Buildings—

1. Slated.—A good cow-shed, 20 feet by 16, built by tenant; landlord giving slates only.
2. Thatched.—Old house in which tenant's father lived, and old sheds, barn, &c.

Other Improvements.—Alleged drains in No. 1, also in Nos. 5, 6, 7, 8, and 9, but not visible on account of two or three feet of water in the ditches, and these being choked with weeds.

The tenant is an infirm man, and has no family, and hires a man to work. He says he killed himself with hard work. There are signs of former industry on the farm.

My observations on Appeal No. 15, relating to the sinking of the stream by the landlord apply to this; and in this case, if the stream, as well as the ditches on the farm, were kept clean, the lower part would be worth more than it is, considerably.

My valuation of the farm as it is, without adding anything for the slated building, is 26 *l.*

28 February 1882. (signed) *C. G. Grey.*

## APPENDIX H.

PAPER handed in by Mr. *Young*, and referred to in his Evidence of 28th March 1882, Q. 3048.

THE following plan is intended to overcome the difficulty arising from the obligation thrown on the tenant of providing the one-fourth of the purchase-money, under the purchase clauses of the Land Act, 1881. It is also hoped that, under the operation of some such plans, the tenants might be satisfied, by the immediate reduction given in their rent, the prospective advantages in the future, the absolute fixity of tenure provided, and the absence of any obligation other than the payment of the judicial or agreed rent, during the term of a Government loan.

It is considered that the State, having interfered in the Irish Land question, should go further, and, by the use of its credit, if such can be done with safety, endeavour to render recent legislation as little burdensome to any class, and as beneficial to the general community as it is possible under the circumstances to do; and, further, it is desirable in any future legislation, with the object of giving the tenants a firmer grasp of the soil, that the landlords as a class should not be driven out of the country, and should, in some measure, if this can be done without loss to the State, be compensated for the loss they have sustained in reduced incomes, and that almost total extinction of an open market value for their properties, the supposition being that the result of recent legislation is to have no purchaser for land but the tenant.

It is hoped that, with such terms offered as now proposed, settlements out of court would be largely promoted, and the "block" now complained of greatly relieved.

With the above objects in view the following scheme is proposed.

Permit a Government office, through the Bank of Ireland, to issue on application and satisfactory investigation, annuities terminable in 62–3 years to a landlord for three-fourths of the judicial rent (where the estate had passed through the court, otherwise for three-fourths of a rent, agreed upon between landlord and tenant) of a farm or estate, so to be dealt with upon condition that the landlord grants to the tenant or tenants leases in perpetuity, at the judicial or agreed rent, for 62–3 years, thereafter to merge into fee-farm grants at one-fourth the judicial or agreed rent, and undertakes to collect and pay to the Government the three-fourths of same during the 62–3 years.

For example:—

An estate of the annual rental of 500 *l.*, or 25 per cent. above Griffith's valuation, reduced by Sub-commissioners 20 per cent., to Griffith, or 400 *l.* (In this calculation Griffith's valuation is adopted, as the average judicial rents fixed in Ulster are only 2 per cent. above Griffith.)

The position would then be as follows:—

Old rent - 500 *l.* Judicial rent - 400 *l.* Three-fourths - 300 *l.* One-fourth - 100 *l.*

The landlord having agreed with his tenants, would receive Government Annuities for 300*l.*, terminable in 62–3 years, for which he would pledge his whole property to the State as security.

| | £. |
|---|---|
| These terminable annuities would be worth, when Consols were at par, 28·57 years' purchase - - - - - - - - - - - | 8,571 |
| Giving the purchaser 3 per cent. for his money, and ½ per cent. for redemption. | |
| The landlord could obtain 4¼ per cent. for this amount, producing to him - - - - - - - - - - - - - | 364 |
| To which add judicial rent - - - - - - - - | 400 |
| | 764 |
| Out of which the landlord would pay Government - - - | 300 |
| leaving a balance of - - - - - - - - - | 464 |
| to the landlord, thus paying him back - - - - £. | 64 |
| of the loss of 100 *l.* in his original rent. | |

Under such an arrangement—

The tenants have simply to pay the judicial rent for 62–3 years, after which they have the property at a nominal rent.

The landlord, by the greater interest he can obtain for the proceeds of his terminable annuities, is recouped for a large portion of his loss. It is true his lands become mortgaged to the State, but he is enabled to pay off all other encumbrancers. (To enable limited owners to reap the full advantage, they should be empowered to invest in Colonial as well as Home Government securities.)

The State has ample security for the loan, as it would have the total rental, wherewith to make good payments amounting to but three-fourths of the rents, and it avoids all direct dealings with the tenants.

And further an arrangement of this nature—

1st. Holds out an inducement to landlords to continue their residence in the country, and to occupy their own demesnes.

2nd. It continues vested in the landlord the legal estate, royalties, &c., including bog and mountain land, and such lands as are ordinarily included in the term waste-lands with which otherwise it would be difficult to deal; and

3rd. It places the increase of National Debt in the desirable form of Terminable Annuities.

*John Young.*

6 April 1882.

## APPENDIX I.

PAPER handed in by Mr. *Vernon*, 25 April 1882.

## IRISH LAND COMMISSION.

### LAND SALES DEPARTMENT.

RETURN of APPLICATIONS for ADVANCES under Sections 24, 35, and 26, up to 20th April 1882.

| Section. | Number of Applications. | Number of Tenants Embraced. | Rental. | Purchase Money Agreed upon. | Advances Applied for. | Advances Sanctioned. |
|---|---|---|---|---|---|---|
| | | | £. | £. | £. | £. |
| 24 and 35 | 60 | 142 | 5,926 | 112,289 | 81,180 | 44,694 |
| 26 - - | 2 | 41 | 246 | 4,738 | 3,305 | 3,305 |
| TOTAL - | 62 | 183 | 6,172 | 117,027 | 84,485 | 47,999 |

There have been also two applications by landlords to the Land Commission "to negotiate" the sale of their estates to the tenants thereof, viz.:—

One respecting an estate in county Kerry, embracing 309 tenants, and with a rental of 4,145 *l.* This application has however been withdrawn, the prices offered by the tenants for their holdings not being considered sufficient by the landlord.

The other application is with reference to an estate in Queen's County, embracing 31 tenants, and with a rental of 1,046 *l.* In this case also the tenants' offers are considered insufficient by the landlord.

| | Number of Applications. | Rental. | Purchase Money. | Advances applied for. | Advances Sanctioned. |
|---|---|---|---|---|---|
| | | £. | £. | £. | £. |
| Applications in which advances have been sanctioned. | 44 | 3,607 | 69,863 | 51,517 | 47,999 |
| Applications which have been refused. | 10 | 1,236 | 20,412 | 14,874 | — |
| Applications under consideration | 8 | 1,329 | 26,752 | 18,094 | — |
| TOTAL - - - | 62 | 6,172 | 117,027 | 84,485 | 47,999 |

Of the total number of applications, viz.: 62, which have been received up to the present, 10 have been refused as not coming within the meaning of the Act, or on the grounds that the security offered was not deemed sufficient. In 44 cases the advances applied for have been wholly or partly sanctioned, and the remaining eight cases are still under consideration.

In some cases where advances have been sanctioned the sales are not likely to be completed; the advances sanctioned being deemed insufficient, or the vendor being unable to perfect his title.

In some few cases the loans have been applied for, and sanctioned conditionally upon the applicants' bids being accepted by the Land Judges.

## APPENDIX K.

PAPER handed in by Mr. *J. Young*, 28 April 1882.

THE following plan is intended to overcome the difficulty arising from the obligation thrown on the tenant of providing the one-fourth of the purchase money, under the purchase clauses of the Land Act, 1881. It is also hoped that, under the operation of some such plan, the tenants might be satisfied, by the immediate reduction given in their rent, the prospective advantages in the future, the absolute fixity of tenure provided, and the absence of any obligation other than the payment of the judicial or agreed rent, during the term of a Government loan.

It is considered that the State having interfered in the Irish Land question, should go further, and by the use of its credit, if such can be done with safety, endeavour to render recent legislation as little burdensome to any class, and as beneficial to the general community as it is possible under the circumstances to do; and further, it is desirable, in any future legislation with the object of giving the tenants a firmer grasp of the soil, that the landlords, as a class, should not be driven out of the country, and shall in some measure, if this can be done without loss to the State, be compensated for the loss they have sustained in reduced incomes, and almost total extinction of an open market value for their properties, the supposition being, that the result of recent legislation is to have no purchasers for land but the tenant.

It is hoped that with such terms offered, as now proposed, settlements out of court would be largely promoted, and the "block" now complained of greatly relieved.

With the above objects in view, the following scheme is proposed:—

Permit a Government office, through the Bank of Ireland, to issue on application, and satisfactory investigation, annuities terminable in 62-3 years, to a landlord for three-fourths of the judicial rent (where the estate had passed through the Court, otherwise for three-fourths of a rent agreed upon between landlord and tenant) of a farm or estate so to be dealt with, upon condition that the landlord grants to the tenant or tenants leases in perpetuity at the judicial or agreed rent for 62–3 years, thereafter to merge into fee-farm grants at one-fourth the judicial or agreed rent, and undertakes to collect and pay to the Government the three-fourths of same during the 62–3 years.

For example,

An estate of the annual rental of 500 *l.* or 25 per cent. above Griffith's valuation, reduced by Sub-Commissioners 20 per cent. to Griffith, or 400 *l.* (in this calculation Griffith's valuation is adopted as the average; judicical rents fixed in Ulster are only 2 per cent. above Griffith).

The position would then be as follows:

| | £. |
|---|---|
| Old rent | 500 |
| Judicial rent | 400 |
| Three-fourths | 300 |
| One-fourth | 100 |

The landlord, having agreed with his tenants, would receive Government annuities for 300 *l.*, terminable in 62–3 years, for which he would pledge his whole property to the State as security. These terminable annuities would be worth, when Consols were at par, 28·57 years' purchase= £. 8,571

(Giving the purchaser 3 per cent. for his money and ½ per cent. for redemption.)

| | £. |
|---|---|
| The landlord could obtain 4½ per cent. for this amount, producing to him | 364 |
| To which add judicial rent | 400 |
| | 764 |
| Out of which the landlord would pay Government | 300 |
| Leaving a balance of | 464 |
| to the landlord, thus paying him back | 64 |

of the loss of 100 *l.* in his original rent.

Under

Under such an arrangement the tenants have simply to pay the judicial rent for 62–3 years, after which they have the property at a nominal rent.

The landlord by the greater interest he can obtain for the proceeds of his terminable annuities, is recouped for a large portion of his loss. It is true his lands become mortgaged to the State, but he is enabled to pay off all other encumbrancers. (To enable limited owners to reap the full advantage, they should be empowered to invest in Colonial as well as Home Government securities).

The State has ample security for the loan, as it would have the total rental wherewith to make good payments amounting to but three-fourths of the rents, and it avoids all direct dealings with the tenants.

And further, an arrangement of this nature—

1st. Holds out an inducement to landlords to continue their residence in the country and to occupy their own demesnes.

2nd. It continues vested in the landlord the legal estate, royalties, &c., including bog and mountain land, and such lands as are ordinarily included in the term waste-lands, with which otherwise it would be difficult to deal; and

3rd. It places the increase of national debt in the desirable form of terminable annuities.

## APPENDIX L.

PAPER handed in by Mr. *Stanislaus Lynch*, 28 April 1882.

## LAND LAW (IRELAND) ACT, 1881.

EXTRACT from RETURN showing Number of Years' Purchase of certain Classes of ESTATES, &c., Years 1865 to 1878, both inclusive.

I. RETURN showing (I.) in PROVINCES, and (II.) in COUNTIES, the LANDED ESTATES held either in Fee, Fee Farm, for Lives renewable for ever, or for Terms of Years of which 60 shall have been unexpired, sold in one or more Lots in the Landed Estates Court for each of the Five Years prior to 1870, and up to the 1st of August 1870; and similar RETURN for the remainder of the Year 1870, and for each of the Five Years ending 31st December 1875, and following Years up to and including 1878; giving the following Particulars in each of the foregoing Periods:—

3. The Name of the Estate.
4. The Tenure of each Lot.
5. The No. of the Lot.
6. The Acreage, Statute Measure, of each Lot.
7. The Profit Rent.
8. The Poor Law Valuation of each Lot Sold, as set out in the Rental filed in the Landed Estates Court.
9. The Amount of Purchase Money.
10. The No. of Years' Purchase.

SUMMARY (A.)—Showing the Average Number of Years' Purchase in each Province for each Year embraced in Return No. I., and Average Rate for all Ireland.

| PROVINCE. | 1865. | 1866. | 1867. | 1868. | 1869. | Portion of Year to 31 Aug. 1870. | Remainder of 1870. | 1871. | 1872. | 1873. | 1874. | 1875. | 1876. | 1877. | 1878. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ULSTER - - - - | 22¾ | 21 | 22 | 25¾ | 24½ | 21¾ | 24 | 29 | 22 | 25¾ | 22 | 22 | 23 | 24½ | 24¾ |
| MUNSTER - - - | 17½ | 19 | 20 | 20½ | 20½ | 17½ | 17¾ | 20½ | 31 | 20¾ | 20 | 19¾ | 21 | 22 | 23 |
| LEINSTER - - - | 21 | 21½ | 21¾ | 23¼ | 24 | 22 | 23¾ | 23 | 24 | 23¾ | 22 | 22½ | 23 | 21¾ | 23¾ |
| CONNAUGHT - - - | 18½ | 20 | 20 | 19½ | 17 | 20 | 19 | 22 | 22 | 20 | 17½ | 24¾ | 22¾ | 19¼ | 19¾ |
| AVERAGE for all IRELAND - | 20 | 20½ | 21 | 22¼ | 21½ | 20¼ | 21 | 23½ | 22¼ | 23¼ | 20½ | 23¼ | 22½ | 22½ | 23½ |

SUMMARY (B.)—Showing the Average Number of Years' Purchase in each County for each of the Years embraced in Return No. 1.

| COUNTY. | 1865. | 1866. | 1867. | 1868. | 1869. | To 1st Aug. 1870. | From 1st Aug. 1870. | 1871. | 1872. | 1873. | 1874. | 1875. | 1876. | 1877. | 1878. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ULSTER: | | | | | | | | | | | | | | | |
| Antrim - - - - | 24 | 22¾ | 25½ | 29 | 25 | – | 34 | 26 | – | 26 | 22¾ | 16 | 26 | 23¾ | 20 |
| Armagh - - - - | 16 | 19 | 19¼ | – | 14 | 17½ | – | – | 23½ | 24 | 21½ | 18 | 17 | 24½ | – |
| Cavan - - - - | 18 | 32 | 20 | 27 | 23½ | 34 | 20 | 30 | 31 | 17 | 20 | 21½ | 23 | 25 | 22½ |
| Donegal - - - - | 30 | 17 | 26¾ | 21½ | 23 | 18¾ | – | 37 | – | – | 27¾ | 25½ | 39 | 19 | 24 |
| Down - - - - | 19 | 29 | 18½ | 26¾ | 22½ | 21 | – | 23¼ | 20 | 27 | 22 | 25¾ | 23 | 25½ | 25¾ |
| Fermanagh - - - | 34 | 21 | 23¾ | – | 26¾ | 27 | – | 33 | 16½ | 22¼ | 23 | 20½ | 24 | 24 | 27 |
| Londonderry - - - | 21 | 20 | 24 | 33 | 25 | 34 | – | 30 | 21 | 26 | 22 | 18¾ | 22¾ | 28 | 28 |
| Monaghan - - - - | 17½ | 31 | 22 | 31 | 33½ | 16 | – | 21 | 24¾ | 25½ | 19 | 22¾ | 20 | 16 | – |
| Tyrone - - - - | 21 | 23¾ | 17½ | 18 | 27 | – | – | 22 | 23 | 25 | 26 | 26½ | 24 | 20 | 23 |

SUMMARY (B.)—Showing the Average Number of Years Purchase in each County, &c.—*continued.*

| COUNTY. | 1865. | 1866. | 1867. | 1868. | 1869. | To 1 Aug. 1870. | From 1 Aug. 1870. | 1871. | 1872. | 1873. | 1874. | 1875. | 1876. | 1877. | 1878. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| MUNSTER: | | | | | | | | | | | | | | | |
| Clare | 21 | 20 | 17 | 22 | 16 | 24 | – | 18½ | 19 | 23 | 37 | – | 22¾ | 22¾ | 20½ |
| Cork | 19 | 16¾ | 19 | 20 | 18¼ | 17 | 18 | 21 | 22 | 18 | 16½ | 19 | 20½ | 20¾ | 19 |
| Kerry | 16 | 23 | 23 | 22 | 23 | – | – | 15 | 22 | 21¾ | 17½ | 33 | 13 | 21 | 27½ |
| Limerick | 13½ | 20¾ | 23 | 20½ | 21¾ | 17½ | – | 18¾ | 22 | 18½ | 20 | 24¼ | 25 | 22 | 21 |
| Tipperary | 17 | 19 | 20 | 20 | 20¾ | 22 | 17½ | 20¾ | 17½ | 21¾ | 21 | 19¾ | 20 | 23 | 20¾ |
| Waterford | 15½ | 17 | 19¾ | 20½ | 18 | 10 | – | 21 | 19½ | – | 21 | 22 | 21 | 23 | 22 |
| LEINSTER: | | | | | | | | | | | | | | | |
| Carlow | 23 | 18½ | 17 | – | 21 | 21 | 24¼ | 24 | – | 25½ | 25 | 21¾ | 22¾ | 19¾ | 26¾ |
| Dublin | 21½ | 18½ | 21 | 29 | – | 24 | – | – | 18 | 22¾ | 20 | 26¾ | 25 | 13¾ | 26½ |
| Kildare | 22½ | 17¾ | 21½ | 38½ | 28½ | 20½ | – | 22¾ | 25½ | 21 | 19½ | 22 | 19 | 22½ | – |
| Kilkenny | 21 | 17½ | 17 | 21¾ | 20 | 21¾ | – | 25½ | 34 | 20 | 23 | 20½ | 22½ | 21 | 22 |
| King's County | 22½ | 29½ | 24 | 23 | 24 | 18 | – | 21¼ | 19½ | 24 | 21½ | 20 | 24 | 22 | 20 |
| Longford | 20 | 22½ | 24 | – | 25 | – | 23 | 19 | 21 | 32 | 19 | 31 | 25¼ | 23 | – |
| Louth | 21 | 24½ | 20 | 20 | 28½ | 22¾ | – | 20¾ | 13 | 15½ | – | 27 | 21 | 20¾ | 18¾ |
| Meath | 14 | 20 | 16½ | 22¾ | 25 | 19 | 22 | 21 | 36½ | 25 | 27 | 23¾ | 30 | 23¾ | 25½ |
| Queen's County | 17 | 33 | 23 | 18 | 22 | 16 | – | 21 | 23½ | – | 23 | 21¾ | 22 | 21½ | 24¾ |
| Westmeath | 20 | 22¾ | 17½ | 22 | 17 | 24¾ | 23 | 22 | 18½ | 26 | 20 | 21 | 23 | 29½ | 26½ |
| Wexford | 20 | 23 | 21½ | 26 | 24¾ | 28 | 24 | – | 20 | 20¼ | 20 | 21 | 22 | 21½ | 16¾ |
| Wicklow | 21 | 18½ | 21 | 18½ | 18 | 34½ | 23 | 22½ | 23 | – | 24 | 26½ | 26¾ | 23½ | 47½ |
| CONNAUGHT: | | | | | | | | | | | | | | | |
| Galway | 15 | 18¾ | 18 | 21¾ | 15¾ | 18 | 20¾ | 22 | 21 | 18 | 18 | 29 | 23 | 18 | 17½ |
| Leitrim | 20 | 22 | 15½ | – | 19 | 17 | 17 | 32 | – | – | 19 | 18 | 21 | 17½ | 21 |
| Mayo | 18½ | 19½ | 18 | 17 | 17½ | 16½ | – | 21¾ | 24 | 20 | 16¾ | 21 | 21 | 20 | 18½ |
| Roscommon | 19 | 22 | 24 | 21 | 18 | 16¾ | 13 | 19½ | 21 | 21½ | 18 | 23¾ | 20 | 19 | 19¾ |
| Sligo | 26 | 18 | 20 | 12 | – | 22 | – | 23 | 31 | 22¾ | 19¾ | 28 | 28 | 22 | – |

SUMMARY (C.)—Showing the Gross Acreage, Profit Rent, and Purchase Money for each Year of all Estates embraced in Return No. 1.

| YEAR. | Acreage. | | | Profit Rent. | | | Purchase Money. | | | YEAR. | Acreage. | | | Profit Rent. | | | Purchase Money. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | A. | R. | P. | £. | s. | d. | £. | s. | d. | | A. | R. | P. | £. | s. | d. | £. | s. | d. |
| 1865 | 98,031 | 3 | 10 | 46,881 | 1 | 8 | 931,252 | 17 | 6 | 1871 | 76,661 | 1 | 33½ | 37,240 | 6 | 3 | 950,273 | 5 | 6 |
| 1866 | 67,524 | 1 | 35 | 36,716 | 13 | 7 | 763,259 | – | – | 1872 | 61,102 | 0 | 22½ | 34,584 | 5 | 3 | 776,717 | 6 | 8 |
| 1867 | 138,035 | 3 | 18 | 39,651 | 8 | 2 | 825,350 | 14 | 6 | 1873 | 120,665 | 3 | 39 | 55,633 | 19 | 8 | 1,243,758 | – | – |
| 1868 | 53,773 | 0 | 7 | 24,814 | 4 | 4 | 545,225 | – | – | 1874 | 80,219 | 3 | 27 | 42,696 | 17 | – | 887,162 | 8 | – |
| 1869 | 89,110 | 2 | 37 | 39,467 | 12 | 4 | 893,277 | 10 | 4 | 1875 | 67,048 | 1 | 22 | 36,351 | 9 | 5 | 802,655 | 18 | 4 |
| 1st August 1870. | 41,498 | 3 | 25 | 31,045 | 14 | 5 | 407,719 | – | – | 1876 | 80,064 | 3 | 38 | 52,007 | 14 | 8 | 1,175,637 | 10 | 10 |
| | | | | | | | | | | 1877 | 73,944 | 3 | 20 | 45,569 | 15 | 8 | 1,024,569 | 15 | 9 |
| Remainder of Year 1870. | 14,038 | 3 | 37 | 9,570 | – | 9 | 316,863 | – | – | 1878 | 54,975 | 1 | 25 | 33,970 | 16 | 1 | 796,391 | 9 | 3 |

## RETURN as to SALES in the LANDED ESTATES COURT.

SUMMARY (A.)—Showing the Average Number of Years' Purchase in each Province in *Ireland*, of Estates held either in Fee, Fee Farms for Lives, renewable for ever, or for Terms of Years, of which Sixty shall have been unexpired, and the Average Rate for all Ireland.

| PROVINCE. | 1876. | 1877. | 1878. |
|---|---|---|---|
| ULSTER | 23 | 24½ | 24¾ |
| MUNSTER | 21 | 22 | 23 |
| LEINSTER | 23 | 21¾ | 23¾ |
| CONNAUGHT | 22¾ | 19¼ | 19¾ |
| AVERAGE for all IRELAND | 22½ | 22½ | 23½ |

SUMMARY (B.)—Showing the Average Number of Years Purchase in each County for each of said Three Years.

| COUNTY. | 1876. | 1877. | 1878. | COUNTY. | 1876. | 1877. | 1878. |
|---|---|---|---|---|---|---|---|
| ULSTER: | | | | LEINSTER: | | | |
| Antrim | 26 | 23¾ | 20 | Carlow | 22¾ | 19¾ | 26¾ |
| Armagh | 17¾ | 24½ | – | Dublin | 25 | 13¾ | 26½ |
| Cavan | 23 | 25 | 22½ | Kildare | 19 | 22½ | – |
| Donegal | 39 | 19 | 24 | Kilkenny | 22½ | 21 | 22 |
| Down | 23 | 25½ | 25¾ | King's | 24 | 22 | 20 |
| Fermanagh | 24½ | 24 | 27 | Longford | 25¾ | 23 | – |
| Londonderry | 22¾ | 28 | 28 | Louth | 21 | 20¾ | 18¾ |
| Monaghan | 20 | 16 | – | Meath | 30 | 23¾ | 25¼ |
| Tyrone | 24 | 20 | 23 | Queen's | 22 | 21½ | 24¾ |
| | | | | Westmeath | 23 | 29½ | 26½ |
| | | | | Wexford | 22 | 21½ | 16¾ |
| | | | | Wicklow | 26¾ | 23½ | 47½ |
| MUNSTER: | | | | CONNAUGHT: | | | |
| Clare | 22¾ | 22¾ | 20½ | | | | |
| Cork | 20½ | 20¾ | 19 | Galway | 23 | 18 | 17½ |
| Kerry | 13 | 21 | 27½ | Leitrim | 21 | 17½ | 21 |
| Limerick | 25 | 22 | 21 | Mayo | 21 | 20 | 18½ |
| Tipperary | 20 | 23 | 20¾ | Roscommon | 20 | 19 | 19¾ |
| Waterford | 21 | 23 | 22 | Sligo | 28 | 22 | – |

RETURN as to Sales in the Landed Estates Court--*continued.*

SUMMARY (C.)—Showing the GROSS ACREAGE, PROFIT RENT, and PURCHASE MONEY for each Year of all the said Estates.

| YEAR. | Acreage. | Profit Rent. | Purchase Money. |
|---|---|---|---|
| | A. R. P. | £. s. d. | £. s. d. |
| 1876 - - - | 80,064 3 38 | 52,007 14 8 | 1,175,637 10 10 |
| 1877 - - - | 73,944 3 20 | 45,569 15 8 | 1,024,539 15 9 |
| 1878 - - - | 54,975 1 25 | 33,970 16 1 | 796,391 9 3 |

# LAND JUDGES' OFFICES.

## RETURN of Sales of Land, of Tenants of not less than Sixty Years unexpired, from 1st November 1879 to 1st November 1880.

| The Letter T. in this Column represents Tenant Purchasers. | PROVINCE AND COUNTY. | Name of Estate. | Tenure of Estate. | Number of Lot. | Acreage, Statute Measure. | Profit Rent. | Poor Law Valuation. | Amount of Purchase Money. | Number of Years' Purchase. | OBSERVATIONS. |
|---|---|---|---|---|---|---|---|---|---|---|
| | ULSTER: | | | | A. R. P. | £. s. d. | £. s. d. | £. s. d. | *Years.* | |
| — | Antrim | M. B. Grainger | Fee simple | In one lot | 13 1 25 | 151 3 2 | Not stated | 3,729 — — | 24½ | |
| — | Ditto | M. McC. Gage | Fee farm | 15 | 367 2 22 | 637 10 — | 387 5 — | 13,600 — | 21⅓ | |
| — | Ditto | - ditto | - ditto | 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14. | 990 2 26 | 899 12 10 | 645 12 11 | 25,880 — — | 28⅞ | |
| — | Ditto | R. Hanna | Lease in perpetuity and fee farm | 1 | 22 0 8 | 46 14 — | 75 5 — | 1,300 — — | 27½ | Rent estimated. |
| — | Ditto | - ditto | - ditto - - dltto | 2 | 16 0 18 | 32 4 6 | 12 18 8 | 900 — — | 28 | - ditto. |
| — | Ditto | - ditto | - ditto - - ditto | 3 | 7 1 3 | 14 10 — | 5 16 8 | 510 — — | 35 | - ditto. |
| — | Ditto | - ditto | - ditto - - ditto | 4 | 13 2 28 | 24 — — | 10 19 6 | 500 — — | 21 | |
| — | Ditto | - ditto | - ditto - - ditto | 5 | 24 2 26 | 49 6 6 | 19 15 11 | 1,000 — — | 21 | Rent estimated. |
| — | Armagh | John Oliver and another | Fee farm | In one lot | 92 2 4 | 124 9 6 | 93 5 — | 2,350 — — | 18⅚ | |
| — | Ditto | Trustees Loftus | Fee | 6 | 6,460 1 3 | 128 10 2 | 5,544 19 — | 2,313 3 — | 18 | |
| T. | Cavan | Rev. R. Conolly | Fee simple | 1 | 27 2 10 | 15 11 — | 16 10 — | 416 5 5 | 26⅛ | |
| T. | Ditto | - ditto | - ditto | 2 | 11 1 2 | 5 18 6 | 6 15 — | 158 12 — | 26 | |
| T. | Ditto | - ditto | - ditto | 3 | 12 3 21 | 7 4 4 | 8 — — | 193 3 9 | 27 | |
| T. | Ditto | - ditto | - ditto | 4 | 18 2 12 | 10 5 — | 11 5 — | 274 7 10 | 26¼ | |
| T. | Ditto | - ditto | - ditto | 5 | 21 0 39 | 10 15 6 | 12 12 — | 288 8 11 | 27 | |
| T. | Ditto | - ditto | - ditto | 6 | 12 3 12 | 6 9 8 | 7 — — | 173 11 1 | 29 | |
| T. | Ditto | - ditto | - ditto | 7 | 10 3 1 | 5 11 8 | 6 — — | 149 10 4 | 25 | |
| T. | Ditto | - dltto | - ditto | 8 | 16 3 34 | 8 12 8 | 9 5 — | 231 2 3 | 25⅔ | |
| T. | Ditto | - ditto | - ditto | 9 | 23 2 24 | 12 15 — | 13 — — | 341 6 4 | 26¼ | |
| T. | Cavan | - ditto | - ditto | 10 | 0 1 24 | — 2 7 | — 5 — | 3 10 3 | 25 | |
| T. | Ditto | - ditto | - ditto | 11 | 1 1 17 | — 15 — | 1 10 — | 20 1 7 | 26⅔ | |
| — | Ditto | B. Morgan | Fee farm | 1 | 13 2 20 | 16 11 — | 20 — — | 300 — — | 18⅓ | |
| — | Ditto | - ditto | - ditto | 2 | 0 1 23 | 4 4 — | - - - | 100 — — | 23¾ | |
| — | Ditto | N. J. Montgomery | Fee | 3 | 75 2 28 | 32 2 3 | 53 10 — | 650 — — | 20⅓ | |
| — | Ditto | - ditto | - ditto | 5 | 6 3 5 | 17 — — | 10 10 — | 345 — — | 20¼ | |
| — | Donegal | James Watt | Fee farm | 1, 2 | 2,683 1 26 | 452 18 2 | 580 6 — | 9,120 — — | 20 | |
| — | Ditto | M. Thompson | - ditto | 1 lot | 58 1 32 | 80 11 5 | 52 15 — | 2,250 — — | 28 | Estimated rent. |
| — | Down | Earl of Dufferin | - ditto | 1, 2 | 454 3 39 | 818 10 8 | 909 1 — | 23,500 — — | 28½ | |
| — | Ditto | J. Delacherois | - ditto | 1 lot | 268 2 14 | 305 7 1 | 238 15 — | 7,150 — — | 23¾ | |
| — | Fermanagh | J. A. Hamilton | Lease in perpetuity | 1 | 224 3 7 | 120 16 9 | 123 10 — | 2,050 — — | 17 | |
| — | Derry | F. O'Neill | Fee farm | 1 lot | 70 2 38 | 30 11 6 | 32 15 — | 1,060 — — | 17⅓ | In hand; estimated rental. |
| — | Monaghan | C. E. Bell | - ditto | 1 lot | 57 3 28 | 15 14 2 | 55 15 — | 275 — — | 17¼ | |
| — | Tyrone | William Crawford | - ditto | 1 lot | 40 1 8 | 50 9 8 | 54 — — | 1,410 — — | 28 | |

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **MUNSTER:** | | | | | | | | | | | | | |
| T. | Clare | J. W. White | Fee simple | 1 | 31 2 14 | 23 17 9 | 23 10 – | 550 – – | 22 11/12 | |
| T. | Ditto | - ditto | - ditto | 2 | 50 1 30 | 59 10 – | 52 5 – | 1,487 10 – | 25 1/5 | |
| T. | Ditto | - ditto | - ditto | 3 | 47 3 2 | 59 10 – | 52 5 – | 1,487 10 – | 25 1/5 | |
| T. | Ditto | - ditto | - ditto | 4 | 32 0 28 | 32 – – | 29 – – | 800 – – | 25 | |
| T. | Ditto | - ditto | - ditto | 5 | 53 2 22 | 41 – – | 38 – – | 1,000 – – | 24 2/5 | |
| — | Ditto | Mary Hall and others | Fee | 10 | 55 0 33 | 35 – – | 25 10 – | } 2,800 – – | 17 1/2 | |
| — | Ditto | - - ditto | - ditto | 11 | 734 2 37 | 130 – – | 91 15 – | | | |
| T. | Cork | J. D. Freeman and another | Fee simple | 1 | 67 1 13 | 39 – – | 38 – – | 1,000 – – | 26 | |
| T. | Ditto | - - ditto - ditto | - ditto | 2 | 67 1 25 | 50 5 – | 43 5 – | 1,125 – – | 22 1/3 | |
| T. | Ditto | - - ditto - ditto | - ditto | 3 | 71 3 11 | 49 9 2 | 38 – – | 1,100 – – | 22 1/4 | |
| T. | Ditto | - - ditto - ditto | - ditto | 4 | 35 1 31 | 19 5 – | 18 5 – | 500 – – | 26 1/3 | |
| T. | Ditto | - - ditto - ditto | - ditto | 5 | 33 0 21 | 17 – – | 17 10 – | 425 – – | 25 | |
| T. | Ditto | - - ditto - ditto | - ditto | 6 | 73 0 31 | 42 – – | 39 – – | 1,050 – – | 25 | |
| T. | Ditto | - - ditto - ditto | - ditto | 7 | 46 3 16 | 26 – – | 26 5 – | 650 – – | 24 1/2 | |
| T. | Ditto | - - ditto - ditto | - ditto | 8 | 6 3 7 | 5 2 – | 3 – – | 125 – – | 24 1/2 | |
| — | Ditto | Trustees, R. D. Freeman | - ditto | 2 | 115 0 34 | 46 3 1 | 63 15 – | 1,100 – – | 23 2/5 | |
| T. | Ditto | - - ditto - ditto | - ditto | 3 | 47 2 16 | 27 – – | 23 15 – | 600 – – | 22 1/4 | |
| T. | Ditto | - - ditto - ditto | - ditto | 4 | 52 3 6 | 24 – – | 24 – – | 600 – – | 25 | |
| — | Ditto | R. T. Rye | Fee | 1 | 193 0 7 | 153 10 2 | 261 – – | 3,680 – – | 23 1/2 | |
| — | Ditto | - ditto | - ditto | 2 | 202 3 19 | 181 11 10 | 315 – – | 4,350 – – | 23 1/2 | |
| T. | Ditto | - ditto | ditto | 3 | 94 1 36 | 64 17 11 | 134 5 – | 1,560 – – | 24 | |
| — | Ditto | - ditto | ditto | 4 | 8 1 2 | 18 9 3 | 134 5 – | 498 9 9 | 27 | |
| T. | Ditto | - ditto | ditto | 5 | 147 1 27 | 45 – 11 | 415 10 – | 1,216 4 9 | 27 | |
| — | Ditto | - ditto | ditto | 6 | 9 0 10 | 9 4 7 1/2 | 462 – – | 249 4 10 | 27 | |
| — | Ditto | - ditto | ditto | 7 | 7 0 30 | 13 6 11 | 14 – – | 373 16 9 | 28 | |
| — | Ditto | - ditto | ditto | 8 and 9 | 604 3 31 | 442 15 5 | 547 15 – | 9,750 – – | 22 | |
| — | Ditto | - ditto | ditto | 10 | 116 2 5 | 33 – – | 81 – – | 770 – – | 33 1/3 | |
| — | Ditto | - ditto | ditto | 11 | 278 3 10 | 92 6 2 | 209 5 | 2,000 – – | 21 | |
| — | Ditto | - ditto | ditto | 12 | 13 3 2 | 4 12 4 | 35 – – | 100 – – | 21 1/2 | |
| — | Ditto | A. T. Webb | ditto | 1, 2, 3, 4 & 5 | 358 1 4 | 189 9 10 | 185 15 – | 4,425 – – | 23 1/4 | |
| T. | Ditto | Trustees, E. Beath | Lease for 960 years | 2 | 27 0 0 | 20 16 4 | 25 5 – | 468 17 6 | 22 1/2 | |
| — | Kerry | Michael Clifford | Fee simple | In one lot | 177 0 24 | 43 – 8 | 27 14 – | 1,000 – – | 23 1/4 | |
| — | Ditto | Trustees, R. C. Hurley | - ditto | 9 | 58 0 8 | 50 7 8 | 27 5 – | 1,200 – – | 24 | |
| — | Ditto | - - ditto | - ditto | 10 | 60 1 33 | 52 16 7 | 24 5 – | 1,000 – – | 19 | |
| — | Limerick | Trustees, R. D. Freeman | Fee farm | 1 | 38 1 16 | 60 – – | 49 – – | 1,400 – – | 23 1/2 | |
| — | Tipperary | Trustees, Sir E. Stulse | Fee simple | 3 | 19 0 14 | 50 10 – | 49 15 – | 1,100 – – | 21 3/4 | |
| | **LEINSTER:** | | | | | | | | | |
| — | Carlow | D. E. Wallace | Fee farm | 1 lot | 142 0 16 | 68 17 1 | 167 15 – | 1,361 – – | 19 3/4 | |
| — | Dublin | William Young | - ditto | 2 | 20 3 15 | 49 4 – | 26 – | 1,000 – – | 23 1/4 | |
| — | Ditto | W. M. Allen | - ditto | 1 | 15 2 5 | 48 3 8 | 30 10 – | 1,100 – – | 22 3/4 | |
| — | Ditto | - ditto | - ditto | 2 | 2 2 2 | 12 – – | 18 15 – | 300 – – | 25 | |
| — | Kildare | E. J. Beauman | Fee | 2 | 319 2 39 | 719 18 – | 361 – – | 9,000 – – | 12 1/2 | Rent estimated. |
| — | Ditto | R. J. Byron | dltto | 1 | 279 2 7 | 166 10 4 | 182 15 – | 3,760 – – | 22 1/2 | |
| — | Ditto | J. S. Best | ditto | 1 lot | 124 2 17 | - - - | 112 – – | 6,000 – – | - - | In hands; no estimated rental given. |
| — | King's County | T. Drought | Fee farm | 1 | 483 3 20 | 85 19 9 | 177 12 6 | 1,350 – – | 15 3/4 | Sold, subject to an annuity of 60 *l.* for a life, aged 72. |
| — | Ditto | - ditto | - ditto | 3 | 169 0 2 | 110 7 – | 114 10 – | 1,150 – – | 10 1/4 | The fee farm rent of this lot is 97 *l.* 16 *s.* 11 *d.* a year. |
| — | Longford | James E. Wright | - ditto | In one lot | 161 0 20 | 79 7 8 | 96 5 – | 1,400 – – | 17 2/3 | |
| — | Louth | Earl of Roden | Fee simple | 17 | 15 3 19 | 37 14 7 | 24 – – | 850 – – | 22 1/2 | |
| — | Ditto | W. T. Murray | Fee | 1, 3, 4, 5, and 6. | 534 1 12 | 635 12 9 | 518 15 – | 12,800 – – | 20 | |

RETURN of Sales of Land, of Tenants of not less than Sixty Years unexpired, from 1st November 1879 to 1st November 1880—*continued.*

| The Letter T. in this Column represents Tenant Purchasers. | PROVINCE AND COUNTY. | Name of Estate. | Tenure of Estate. | Number of Lot. | Acreage, Statute Measure. | Profit Rent. | Poor-Law Valuation. | Amount of Purchase Money. | Number of Years' Purchase. | OBSERVATIONS. |
|---|---|---|---|---|---|---|---|---|---|---|
| | LEINSTER—*continued.* | | | | A. R. P. | £. s. d. | £. s. d. | £. s. d. | *Years.* | |
| — | Meath | T. Potterton | Fee farm | 1 | 191 0 3 | 97 4 8 | 105 – – | 800 – – | 8 | |
| — | Queen's County | Patrick McKay | ditto | In one lot | 47 3 34 | 79 1 9 | 35 – | 700 – – | 9 | Rent, estimated value. |
| — | Ditto | R. Belton | One life, or 31 yeare from 12th September 1862. | 1 | 233 1 25 | 82 18 7 | 159 16 – | 1,200 – – | 14½ | |
| — | Ditto | R. J. Byron | Fee farm | 2 | 108 3 16 | 47 10 11 | 78 10 – | 910 – – | 19¼ | |
| — | Westmeath | C. Costello and others | Fee simple | 1 | 32 1 18 | 525 18 4 | 218 – – | 5,900 – – | 11 | The rent estimated. |
| — | Ditto | Trustees C. W. Ridley | ditto | In one lot | 510 1 14 | 604 9 4 | 362 – – | 16,000 – – | 26½ | |
| — | Ditto | Trustees Loftus | Fee | 1 | 413 0 0 | 522 7 8 | 365 5 – | 9,402 18 – | 18 | |
| — | Ditto | ditto | ditto | 4 | 134 0 15 | 102 17 10 | 102 – – | 1,852 1 – | 18 | |
| — | Wexford | F. R. Phayre | Fee simple | In one lot | 344 2 10 | 121 9 11 | – – – | 2,429 18 4 | 20 | |
| — | Ditto | Ebenezer Henry Rowe | ditto | 1 | 138 0 0 | 153 9 4 | 120 10 – | 3,684 – – | 24 | |
| — | Ditto | ditto | ditto | 4 | 19 0 25 | 26 6 1 | 16 15 – | 631 6 – | 24 | |
| — | Ditto | ditto | ditto | 5 | 25 3 19 | 35 13 5 | 24 10 – | 856 2 – | 24 | |
| — | Ditto | ditto | ditto | 6 | 36 1 2 | 38 12 6 | 35 – – | 1,025 3 – | 26½ | |
| — | Ditto | ditto | ditto | 8 | 2 3 5 | 7 9 – | 3 – – | 193 14 – | 25¾ | |
| — | Ditto | ditto | ditto | 9 | 1 1 4 | 1 8 7 | 1 – – | 35 14 7 | 25 | |
| — | Ditto | ditto | ditto | 10 | 0 1 33 | 5 1 10 | 4 15 – | 127 5 10 | 25 | |
| — | Ditto | ditto | ditto | 11 | 0 0 19½ | – 15 – | – 11 – | 18 15 – | 25 | |
| — | Ditto | ditto | ditto | 12 | 1 2 17 | 1 12 6 | 2 5 – | 43 – – | 26½ | |
| — | Ditto | ditto | ditto | 13 | 84 0 24 | 81 13 8 | 60 10 – | 2,042 1 8 | 25 | |
| — | Ditto | ditto | ditto | 14 | 176 3 31 | 171 7 11 | 163 5 – | 4,456 – – | 25¾ | |
| — | Ditto | ditto | ditto | 15 | 15 3 30 | 13 12 3 | 10 – – | 340 6 3 | 25 | |
| — | Ditto | ditto | ditto | 16 | 27 3 39 | 26 8 5 | 21 10 – | 660 10 5 | 25 | |
| — | Ditto | ditto | ditto | 17 | 7 2 23 | 7 9 10 | 4 10 – | 202 5 6 | 26¾ | |
| — | Ditto | ditto | ditto | 18 | 6 2 24 | 5 13 4 | 5 5 – | 141 15 4 | 25 | |
| — | Ditto | ditto | ditto | 19 | 3 3 5 | 8 2 – | 10 15 – | 218 14 – | 27 | |
| — | Ditto | ditto | ditto | 20 | 7 2 5 | 9 11 6 | 7 10 – | 339 7 6 | 34½ | |
| — | Ditto | ditto | ditto | 21 | 1 1 31 | 1 17 5 | 2 – – | 46 15 5 | 25 | |
| — | Ditto | ditto | ditto | 22 | 0 0 26 | 1 4 6 | 32 15 – | 30 12 6 | 25 | |
| — | Ditto | ditto | ditto | 23 | 0 0 7 | 1 – – | 1 – – | 25 – – | 25 | |
| — | Ditto | ditto | ditto | 24 | 34 0 8 | 36 2 10 | 32 15 – | 903 10 10 | 25 | |
| — | Ditto | ditto | ditto | 26 | 0 0 8 | 1 – – | – 10 – | 25 – – | 25 | |
| — | Ditto | ditto | ditto | 28 | 2 3 0 | 3 8 10 | 3 15 – | 210 – – | 60 | Held by tenants under leases for one old life. |
| — | Ditto | ditto | ditto | 38 | 10 1 32 | 1 10 – | 3 7 6 | 84 – – | 56 | |
| — | Wicklow | G. H. Hudson | Lease 898 years, from 1857 | In one lot | 30 3 36 | 84 15 9 | 32 2 – | 1,850 – – | 24 | Estimated rent. |
| | CONNAUGHT: | | | | | | | | | |
| T. | Galway | Mary Hall and others | Fee | 12 | 97 3 38 | 15 19 5 | 16 – – | 525 – – | 32¾ | |
| — | Ditto | ditto | ditto | 14 | 276 1 20 | 35 16 5 | 38 5 – | 1,000 – – | 27¾ | |
| T. | Ditto | ditto | ditto | 13 | 57 3 9 | 10 17 6 | 11 – – | 305 – – | 27⅔ | |
| — | Ditto | ditto | ditto | 15 | 115 1 8 | 13 9 1 | 8 – – | 270 – – | 20 | |
| — | Ditto | ditto | ditto | 16 & 17 | 1,180 0 13 | 242 14 3 | 186 4 – | 3,600 – – | 14¾ | Sold, subject to a drainage charge of 50 *l.* 18 *s.* per annum for seven years. |
| — | Ditto | ditto | ditto | 18 | 324 2 36 | 58 9 1 | 40 11 – | 900 – – | 15⅓ | Like charge of 24 *l.* 17 *s.* 4 *d.* for same period. |
| — | Roscommon | L. F. C. Bridges | Leasehold | 2 | 124 3 28 | 141 17 2 | 115 10 – | 2,510 – – | 18 | |
| — | Ditto | Trustees J. McDonogh | Part lease for three lives, and 31 years in reversion, and part tenancy from year to year. | 6 | 178 0 12 | 584 3 10 | 803 – – | 9,100 – – | 15½ | |
| — | Ditto | Mary Hall and others | Fee | 9 | 292 3 13 | 128 15 1 | 161 15 – | 2,000 – – | 15½ | |
| — | Sligo | John McDonogh | Fee simple | In 1 lot | 81 3 17 | 83 18 7 | 50 10 – | 1,650 – – | 19⅔ | |

# LAND JUDGES' COURT.

## RETURN of Sales to Tenants from 1st November 1880 to 1st November 1881.

| Date of Sale. | Province and County. | Name of Estate. | Tenure of Estate. | Number of Lot. | Acreage, Statute Measure. | Profit Rent. | Poor Law Valuation. | Amount of Purchase Money. | Number of Years' Purchase. | OBSERVATIONS. |
|---|---|---|---|---|---|---|---|---|---|---|
| | ULSTER: | | | | A. R. P. | £. s. d. | £. s. d. | £. s. d. | | |
| 22 March 1881 | Antrim | John Robinson | Fee simple | 1 | 53 2 31 | 48 6 6 | 82 – – | 3,220 – – | 51½ | Tenant's lease had but nine years to run; a fine of 500*l.* had been paid. |
| 5 May „ | Cavan | J. C. Jones | - ditto - | 7 | 8 2 10 | 8 6 2 | 10 5 – | 200 – – | 24 | |
| 14 June „ | Ditto | Same | - ditto - | 18 | 20 0 1 | 18 – – | 12 15 – | 360 – – | 20 | |
| 5 May „ | Londonderry | Conolly T. McCausland | - ditto - | 1 | 4 3 11 | 2 3 – | 2 10 – | 56 18 – | - - - | The amount of the fee-farm rent is 18 *s.* 6 *d.*, which is charged on lot 21. |
| 5 „ „ | Ditto | - - ditto | Fee farm | 2 | 2 3 21 | 1 7 – | 1 5 – | 35 2 – | | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 3 | 22 0 0 | 5 – – | 5 5 – | 130 – – | | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 4 | 9 1 17 | 5 – – | 5 5 – | 130 – – | | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 5 | 29 3 0 | 15 – – | 7 15 – | 370 – – | | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 6 | 16 2 28 | 7 6 8 | 7 10 – | 190 13 4 | | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 7 | 9 2 16 | 3 13 4 | 3 15 – | 95 6 8 | | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 8 | 11 1 3 | 5 10 – | 5 15 – | 143 – – | | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 9 | 59 1 19 | 11 10 – | 11 15 – | 299 – – | | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 10 | 18 2 28 | 7 10 – | 7 5 – | 195 – – | | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 11 | 16 1 30 | 4 – – | 4 5 – | 104 – – | 26 | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 12 | 46 3 18 | 18 – – | 17 – – | 467 19 10 | | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 13 | 28 0 20 | 9 9 – | 11 15 – | 245 14 – | | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 14 | 11 3 4 | 4 5 6 | 5 15 – | 111 3 – | | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 15 | 10 2 34 | 4 – 6 | 5 5 – | 104 13 – | | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 16 | 17 2 32 | 6 5 – | 4 – – | 162 10 – | | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 17 | 12 0 0 | 4 10 – | 5 15 – | 117 – – | | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 18 | 0 0 27 | – 5 – | – 5 – | 6 10 – | | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 19 | 26 2 11 | 6 7 6 | 8 – – | 165 15 – | | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 20 | 7 1 13 | 2 2 6 | – 5 – | 55 5 – | | |
| 5 „ „ | Ditto | - - ditto | - ditto - | 21 | 55 3 17 | 24 6 6 | 20 15 – | 626 5 6 | | |
| 11 July „ | Monaghan | D. McC. Ross | Fee simple | In one lot | 90 0 16 | 67 19 5 | 79 1 – | 1,350 – – | 19¾ | |

LAND JUDGES' COURT.—RETURN of Sales to Tenants from 1st November 1880 to 1st November 1881—*continued.*

| Date of Sale. | Province and County. | Name of Estate. | Tenure of Estate | Number of Lot. | Acresge, Statute Measure. | Profit Rent. | Poor Law Valuation. | Amount of Purchase Money. | Number of Years' Purchase. | OBSERVATIONS. |
|---|---|---|---|---|---|---|---|---|---|---|
| | MUNSTER: | | | | A. R. P. | £. s. d. | £. s. d. | £. s. d. | | |
| 23 Nov. 1880 | Clare | Marquis Conyngham | Fee simple | 24 | 51 2 24<br>68 1 14 | 20 – –<br>16 – – | 29 15 – | 750 – – | 20½ | |
| 9 „ „ | Ditto | - - ditto | - ditto | 77 | 228 3 24 | 20 – – | 34 – – | 800 – – | 40 | |
| 8 March 1881 | Ditto | Trustee, William Scanlan | - ditto | 7 | 7 0 14 | 10 6 6 | 14 – – | 300 – – | 29 | |
| 8 June „ | Cork | Agra Bank | - ditto | 1 | 122 1 20 | 57 10 – | 63 10 – | 1,466 5 – | 25½ | |
| 8 „ „ | Ditto | - ditto | - ditto | 2 | 346 0 2 | 120 – – | 136 10 – | 3,060 – – | 25½ | |
| 8 „ „ | Ditto | - ditto | - ditto | 3 | 84 1 6 | 14 8 – | 15 5 – | 367 4 – | 25½ | |
| 19 July „ | Limerick | Administrator of T. H. Grady | Lease | 2 | 3 0 5 | 3 6 – | 3 15 – | 75 – – | 22½ | |
| 19 „ „ | Ditto | - - ditto - - ditto | - ditto | 3 | 10 0 38 | 10 10 – | 12 – – | 240 – – | 22½ | |
| 9 Nov. „ | Tipperary | John Butler | Fee simple | 1 | 83 3 20 | 79 15 8 | 154 2 – | 1,848 – – | 23 | These premises formed one lot, and were so purchased at 3,550 *l.* by P. Flinn, one of the tenants; the apportionment of this purchase-money here given was made at his instance. |
| 9 „ „ | Ditto | - ditto | - ditto | 2 | 54 0 32 | 42 – – | | 1,000 – – | 23½ | |
| 9 „ „ | Ditto | - ditto | - ditto | 3 | 116 1 13 | 60 13 6 | | 702 – – | 11½ | |
| | LEINSTER: | | | | | | | | | |
| 4 Sept. 1881 | Kildare | J. S. Best | Fee simple | 32 & 33 | 305 3 30 | 350 14 8 | 234 – – | 8,250 – – | 23½ | |
| 4 „ „ | Ditto | - ditto | - ditto | 35 | 157 2 12 | 134 4 3 | 125 15 – | 2,900 – – | 21½ | |
| 3 May „ | Meath | Trustee of Catherine M. Nugent | - ditto | In one lot | 117 0 26 | 176 17 – | 140 15 – | 3,700 – – | 20½ | |
| 13 Dec. 1880 | Ditto | Trustees, G. S. Rotherham | - ditto | 5 | 42 2 21 | 35 5 2 | 33 – – | 800 – | 22½ | |
| 13 „ „ | Ditto | - - ditto | - ditto | 6 | 72 2 19 | 74 10 10 | 55 – – | 1,662 – – | 22⅓ | |
| 13 „ „ | Ditto | - - ditto | - ditto | 7 | 88 1 35 | 86 – – | 65 – – | 1,828 – – | 21¼ | |
| 22 July 1881 | Ditto | F. A. W. Ker | - ditto | 2 | 28 0 21 | 24 10 – | 28 10 – | 520 – – | 21¼ | |
| 4 Sept. „ | Wicklow | J. S. Best | - ditto | 44 | 19 2 23 | 10 17 – | 13 – – | 250 – – | 23 | |
| | CONNAUGHT: | | | | | | | | | |
| 8 Nov. 1880 | Galway | Trustees M. Reilly | Fee simple | 8 | 63 3 13 | 25 3 9½ | 22 – – | 550 – – | 21½ | |
| 11 May 1881 | Roscommon | Patrick Taaffe | - ditto | In one lot | 171 3 30 | 316 15 10½ | 197 – – | 5,850 – – | 18½ | |

# LAND JUDGES' COURT.

## RETURN of Sales to Tenants and to the Irish Land Commission from 1st November 1881 to 17th April 1882.

| Date of Sale. | Province and County. | Name of Estate. | Tenure of Estate. | Number of Lot. | Acreage, Statute Measure. | Profit Rent. | Poor Law Valuation. | Amount of Purchase Money. | Number of Years' Purchase. | OBSERVATIONS. |
|---|---|---|---|---|---|---|---|---|---|---|
| | ULSTER: | | | | A. R. P. | £. s. d. | £. s. d. | £. s. d. | | |
| 8 Nov. 1881 | Down | Robert J. Kennedy | Leasehold | In one lot | 27 2 10 | 69 17 4 | Not given | 3,645 – – | 52¾ | |
| 20 Dec. „ | Ditto | Jane O'Donnell | Fee farm | 2 | 432 3 15 | 110 17 11 | 135 5 – | 2,348 – – | 21¼ | Sold to Land Commission. |
| | MUNSTER: | | | | | | | | | |
| 13 Dec. 1881 | Cork | Trustee of Sir Joseph C. J. Fitzgerald. | Fee simple | 5 | 191 1 20 | 65 16 3 | 75 – – | 1,250 – – | 19¼ | The profit rent is after making a deduction of 16 *l.* 17 *s.* 8 *d.* tithe rent-charge. |
| | LEINSTER: | | | | | | | | | |
| 13 Dec. 1881 | Meath and Kildare | Trustee of John Bury | Leasehold and fee simple | 2 | 63 0 13 | 35 5 3 | 57 10 – | 1,000 – – | 28½ | The purchasers and tenants' rent was 53 *l.* 14 *s.* 6 *d.* under a lease of 1855. Head rent payable, 18 *l.* 9 *s.* 3 *d.* |
| 17 April 1882 | Meath | Francis A. W. Ker | Fee simple | 1 | 145 3 21 | 128 16 9 | 111 10 – | 2,021 5 – | 16 | Sold to Land Commission. |
| | CONNAUGHT: | | | | | | | | | |
| 4 Nov. 1881 | Roscommon | Anne Gara | Fee simple | 1 | 3 3 32 | 3 10 – | 2 10 – | 95 – – | 31⅔ | |
| 30 January 1882 | Ditto | ditto | ditto | 2 | 93 3 26<br>33 0 36 | 103 15 3 | 79 – – | 1,562 10 – | 15 | |

## Marquess of Conyngham's Estate.

### Summary of Lots.

| No. of Lot. | Lands. | Acreage. A. | R. | P. | Net Annual Rental. £. | s. | d. | Government Valuation. £. | s. | d. | Observations. | Amount of Purchase Money. £. | s. | d. | No. of Years' Purchases. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Rafline | 61 | 1 | 12 | 23 | – | | 18 | 5 | – | This lot has been sold | 506 | – | – | 22 |
| 2 | Ditto | 213 | 0 | 20 | 92 | – | – | 69 | 10 | – | — | — | | | — |
| 3 | Martry | 68 | 0 | 15 | 26 | – | – | 20 | 15 | – | These lots will be sold together. | — | | | — |
| 4 | Ditto | 140 | 1 | 16 | 58 | – | – | 46 | 15 | – | | | | | |
| 5 | Ditto | 27 | 2 | 13 | 12 | – | – | 8 | 10 | | | | | | |
| 6 | Ditto | 108 | 3 | 14 | 46 | – | | 36 | 5 | – | This lot has been sold | 1,012 | – | – | 22 |
| 7 | Ditto | 69 | 1 | 34 | 29 | – | – | 22 | 10 | – | — | — | | | — |
| 8 | Muckinish | 204 | 1 | 0 | 28 | – | | 22 | – | – | — | — | | | — |
| 9 | Curraghodea | 120 | 2 | 38 | 16 | – | | 12 | 15 | – | | | | | |
| 10 | Ditto | 279 | 2 | 19 | 36 | – | – | 25 | 10 | – | These lots will be sold together. | — | | | — |
| 11 | Ditto | 87 | 2 | 29 | 13 | – | – | 10 | – | – | | | | | |
| 12 | Ditto | 74 | 3 | 37 | 13 | – | – | 9 | 10 | – | | | | | |
| 13 | Ditto | 71 | 2 | 32 | 13 | – | – | 10 | 10 | – | | | | | |
| 14 | Ditto | 63 | 1 | 22 | 13 | – | – | 11 | – | – | This lot has been sold | 286 | – | – | 22 |
| 15 | Boolynamiscaun | 279 | 1 | 39 | 40 | – | – | 36 | – | – | — | — | | | — |
| 16 | Ballyea, North | 204 | 0 | 37 | 48 | – | – | 30 | 10 | – | | | | | |
| 17 | Ditto | 45 | 2 | 30 | 10 | – | – | 7 | – | – | These lots and lot No. 22 will be sold together. | — | | | — |
| 18 | Ditto | 44 | 3 | 36 | 7 | – | – | 5 | 5 | – | | | | | |
| 19 | Ditto | 38 | 0 | 26 | 5 | – | – | 3 | 10 | – | | | | | |
| 20 | Ditto | 28 | 2 | 12 | 4 | | – | 3 | – | | | | | | |
| 21 | Ditto | 71 | 2 | 35 | 16 | – | – | 11 | – | – | This lot has been sold | 352 | – | – | 22 |
| 22 | Ditto | 41 | 2 | 23 | 8 | | – | 5 | – | – | — | — | | | — |
| 23 | Drumatehy | 193 | 1 | 6 | 58 | – | – | 44 | 10 | – | — | — | | | — |
| 24 | Feighroe | 119 | 3 | 38 | 36 | – | – | 29 | 15 | – | | 750 | – | – | 22 |
| 25 | Seafield | 2 | 0 | 3 | 15 | – | – | 31 | 10 | | — | — | | | — |
| 26 | Ditto | 163 | 2 | 8 | 123 | 10 | 8 | 91 | 10 | – | This lot has been sold | 3,000 | | – | 24 |
| 27 | Lismuse | 65 | 1 | 12 | 27 | 1 | 10 | 21 | 15 | – | ditto | 616 | | – | 22 |
| 28 | Lack, East and West | 2,131 | 1 | 27 | 18 | 16 | 3 | 528 | 12 | – | | 469 | – | – | 25 |
| 29 | Dromellihy (Cunningham) | 483 | 0 | 15 | 154 | 4 | 10 | 136 | – | – | This lot and lot No. 36 will be sold together. | — | | | — |
| 30 | Ditto | 150 | 3 | 36 | 47 | | – | 40 | 15 | – | This lot has been sold | 1,175 | – | – | 25 |
| 31 | Ditto | 32 | 3 | 37 | 13 | | – | 9 | 15 | – | ditto | 312 | – | – | 24 |
| 32 | Ditto | 32 | 3 | 35 | 14 | – | – | 11 | – | – | ditto | 336 | – | – | 24 |
| 33 | Ditto | 4 | 0 | 3 | – | 4 | – | – | 10 | | ditto | 5 | – | – | 25 |
| 34 | Ditto | 65 | 2 | 29 | 30 | – | – | 24 | – | – | ditto | 720 | – | – | 24 |
| 35 | Ditto | 10 | 1 | 22 | 3 | 10 | – | 2 | 15 | | ditto | 84 | – | | 24 |
| 36 | Ditto | 116 | 1 | 23 | 33 | 10 | – | 14 | 10 | – | This lot and lot No. 29 will be sold together. | — | | | — |
| 37 | Ditto | 24 | 3 | 13 | 3 | – | – | 3 | 10 | – | This lot has been sold | 100 | – | – | 33⅓ |
| 38 | Ballynagun, West | 58 | 2 | 21 | 16 | 10 | – | 22 | 5 | – | — | — | | | — |
| 39 | Ditto | 81 | 3 | 4 | 40 | – | – | 37 | 5 | – | This lot has been sold | 880 | – | – | 22 |
| 40 | Ditto | 7 | 1 | 14 | 3 | – | – | 2 | 15 | – | ditto | 66 | – | – | 22 |
| 41 | Ditto | 42 | 0 | 10 | 18 | – | – | 15 | – | – | ditto | 396 | – | – | 22 |
| 42 | Ditto | 80 | 1 | 29 | 31 | – | – | 24 | 15 | – | ditto | 682 | – | – | 22 |
| 43 | Ditto | 7 | 2 | 11 | 4 | – | | 3 | 10 | – | ditto | 88 | – | – | 22 |
| 44 | Ditto | 9 | 1 | 21 | 4 | | – | 3 | 10 | – | — | — | | | — |
| 45 | Ditto | 31 | 1 | 28 | 15 | – | – | 12 | – | – | This lot has been sold | 330 | – | – | 22 |
| 46 | Ditto | 5 | 3 | 19 | 3 | | – | 2 | 10 | – | ditto | 66 | – | – | 22 |
| 47 | Ditto | 2 | 1 | 22 | 1 | | – | 1 | 10 | | ditto | 22 | – | | 22 |
| 48 | Ditto | 6 | 0 | 7 | 3 | | | 2 | 10 | – | ditto | 66 | – | – | 22 |
| 49 | Ditto | 81 | 2 | 25 | 36 | – | – | 30 | – | – | ditto | 801 | – | – | 22¼ |
| 50 | Ballynagun, East | 5 | 0 | 29 | 2 | 10 | – | 3 | – | – | These lots will be sold together. | 1,060 | – | – | 24²⁸⁄₄₃ |
| 51 | Ditto | 37 | 2 | 15 | 15 | – | – | 13 | – | – | | | | | |
| 52 | Ditto | 39 | 1 | 16 | 13 | – | – | 10 | 10 | – | | | | | |
| 53 | Ditto | 42 | 2 | 29 | 18 | – | – | 16 | 10 | – | | | | | |
| 54 | Ditto | 40 | 0 | 11 | 12 | 10 | – | 12 | – | – | This lot has been sold | 275 | – | – | 22 |
| 55 | Ditto | 10 | 3 | 3 | 4 | | – | 4 | | – | ditto | 88 | – | – | 22 |
| 56 | Ditto | 23 | 1 | 27 | 10 | – | – | 10 | | – | ditto | 220 | – | – | 22 |
| 57 | Ditto | 10 | 0 | 1 | 6 | – | – | 4 | 10 | – | ditto | 132 | – | – | 22 |
| 58 | Ditto | 24 | 2 | 11 | 13 | – | – | 12 | – | – | ditto | 330 | – | – | 25⅝ |
| 59 | Ditto | 52 | 1 | 21 | 21 | – | – | 16 | – | – | ditto | 440 | – | – | 21 |
| 60 | Ditto | 6 | 3 | 1 | 2 | 10 | – | 3 | – | | ditto | 55 | – | – | 22 |
| 61 | Ballynagun, East, and Ballynagun, West (Part of). | 38 | 1 | 12 | 28 | | – | 21 | 10 | – | ditto | 616 | – | – | 22 |
| 62 | Ballynsgun, East | 6 | 1 | 21 | 5 | – | – | 3 | 10 | – | These lots will be sold together. | — | | | — |
| 63 | Ditto | 35 | 1 | 17 | 22 | | – | 13 | 10 | – | | | | | |
| 64 | Ditto | 63 | 3 | 35 | 40 | – | – | 28 | 15 | – | This lot has been sold | 880 | – | – | 22 |
| 65 | Ditto | 77 | 0 | 7 | 32 | 9 | 2 | 26 | 10 | – | ditto | 735 | 6 | 8 | 22 |
| 66 | Ditto | 35 | 1 | 2 | 12 | 10 | – | 10 | 10 | – | ditto | 275 | – | – | 22 |
| 67 | Cloonreddan | 649 | 2 | 31 | 231 | – | 8 | 242 | 5 | – | | 5,600 | – | – | 23⅓ |
| 68 | Ditto | 60 | 0 | 5 | 40 | – | – | 25 | 10 | – | This lot has been sold | 800 | – | – | 20 |
| 69 | Cloghaun More, West | 559 | 0 | 34 | 205 | – | – | 145 | 10 | – | — | — | | | — |
| 70 | Cloghaun More, East | 561 | 3 | 36 | 184 | 1 | 8 | 132 | 12 | – | — | — | | | — |
| 71 | Cloghaun Beg, West, and Part of Cloghaun Beg, East, and Cloghaun More, East. | 274 | 1 | 23 | 106 | 12 | – | 83 | 15 | | This lot has been sold | 2,224<br>255<br>125 | – | –<br>–<br>– | 24 |
| 72 | Cloghaun Beg, East | 240 | 3 | 30 | 77 | 17 | 8 | 72 | 10 | – | — | — | | | — |
| 73 | Ditto | 54 | 0 | 28 | 18 | – | – | 16 | 5 | – | This lot has been sold | 452 | – | – | 25⅓ |
| 74 | Ditto | 88 | 2 | 15 | 22 | 10 | – | 20 | 10 | – | ditto | 540 | | – | 24 |
| 75 | Ditto | 67 | 3 | 3 | 15 | 10 | – | 14 | – | – | ditto | 372 | – | | 24 |
| 76 | Kinturk | 959 | 3 | 15 | 145 | | | 126 | 5 | – | — | — | | | — |
| 77 | Ayldavour | 228 | 3 | 24 | 20 | – | – | 34 | | – | | 800 | – | – | 40 |
| | | 10,651 | 2 | 39 | 2,630 | 8 | 9 | 2,694 | 14 | – | | | | | |

These sales were negotiated between 1879 and 1880, November to November.

All these lots, except No. 67, were bought by the tenants. Lot 67 was sold to Mr. T. McMahon for 5,600 *l.*, and the tenants on the lot agreed to take out leases for 99 years, at an increased rental of 20 per cent.

## From JUDICIAL STATISTICS (Ireland).

RETURN of the Amount of Purchase Money of Estates of all Tenures and Descriptions, including House Property, Life Estates, Annuities, and other Terminable Interests, sold in the Landed Estates Court since the Year 1864, and the Average Rate of Purchase each Year.

| Year. | Purchase Money. | Average Rate of Purchase. | Year. | Purchase Money. | Average Rate of Purchase. |
|---|---|---|---|---|---|
| | £. | | | £. | |
| 1864 | 1,342,629 | 16·11 | 1873 | 1,737,222 | 20 |
| 1865 | 1,051,991 | 17·43 | 1874 | 1,145,935 | 18 |
| 1866 | 1,258,585 | 19·25 | 1875 | 1,209,485 | 19·11 |
| 1867 | 1,518,307 | 16·87 | 1876 | 1,633,748 | 20·9 |
| 1868 | 1,332,108 | 18·32 | 1877 | 1,430,453 | 19·2 |
| 1869 | 1,168,857 | 17·2 | 1878 | 1,217,027 | 18·9 |
| 1870 | 757,218 | 16·3 | 1879 | 799,008 | 17·7 |
| 1871 | 1,008,524 | 18¾ | 1880 | 329,548 | 16·5 |
| 1872 | 1,451,687 | 19 | 1881 | 311,256 | 15·6 |

## LAND JUDGES (IRELAND).

| | | |
|---|---|---|
| I. Number of Sales effected from 1st November 1880 to 31st October 1881 | | 218 |
| A. Of these there were sold by Auction: | | |
| In court | 86 | |
| In provincial towns | 28 | |
| TOTAL Number of Lots Sold by Auction | | 114 |
| B. Sold by Private Contract | 104 | |
| Of these there were: | | |
| Of town lots | 46 | |
| Of country lots (sold to tenants) | 46 | |
| Of country lots (not sold to tenants) | 12 | |
| | | 104 |
| II. The number of lots adjourned or withdrawn from sale in consequence of no bidding or insufficient bidding during the same period, was | | 222 |
| Of these there were: | | |
| Town lots | | 53 |
| Country lots | | 169 |
| | | 222 |

## RETURN of Deposits in Joint Stock Banks in *Ireland*, for the Years 1843 to 1881.

| | £. | |
|---|---|---|
| 1843 | 6,965,681 | |
| 1844 | 7,601,421 | |
| 1845 | 8,031,044 | |
| 1846 | 8,442,133 | |
| 1847 | 6,493,124 | Decrease, 23 per cent.; famine years. |
| 1848 | 7,071,122 | |
| 1849 | 7,469,675 | |
| 1850 | 8,268,338 | |
| 1851 | 8,263,091 | |
| 1852 | 10,773,324 | |
| 1853 | 10,915,022 | |
| 1854 | 11,665,739 | |
| 1855 | 12,285,822 | |
| 1856 | 13,753,149 | |
| 1857 | 13,113,136 | |
| 1858 | 15,131,252 | |
| 1859 | 16,042,140 | |
| 1860 | 15,609,237 | |
| 1861 | 15,005,065 | |
| 1862 | 14,388,725 | Decrease, 5 per cent. } Agricultural depression. |
| 1863 | 12,966,731 | |
| 1864 | 15,623,337 | |
| 1865 | 18,619,217 | |
| 1866 | 20,957,098 | |
| 1867 | 21,794,351 | |
| 1868 | 22,163,599 | |
| 1869 | 22,672,537 | |
| 1870 | 24,366,478 | |
| 1871 | 26,049,000 | |
| 1872 | 27,214,100 | |
| 1873 | 28,194,000 | |
| 1874 | 29,859,000 | |
| 1875 | 31,815,000 | |
| 1876 | 32,815,000 | |
| 1877 | 32,746,000 | |
| 1878 | 31,745,000 | Decrease, 3·15 per cent. |
| 1879 | 30,191,000 | „ 3·14 „ |
| 1880 | 29,350,000 | „ 2·86 „ |
| 1881 | 28,289,000 | „ 3·61 „ |

## PRICES of Irish Agricultural Produce, 1830 to 1879.—Compiled specially for the "Irish Farmers' Gazette," by the Editor.

The following Tables show the range of prices of agricultural produce in the Irish markets from 1830 to 1879, both years included. These prices have been taken chiefly from the market reports published in the "Farmers' Gazette." For the prices in 1830 and 1840 we are indebted to the files of "Saunders' News Letter."

The prices of grain are those of the Dublin market. Where only one quotation is given for a year, it has been taken from the "Dublin Gazette," or other official source of information.

The prices of flax are taken from reports of markets in Ulster, chiefly Armagh and Belfast.

The prices of beef, mutton, pork, potatoes, wool, hay, and straw are Dublin prices.

Eggs.—The prices given are the wholesale rates current during the summer months in the Dublin market.

The prices of milch cows, two-year-old and one-year-old cattle, have been taken from the reports of country fairs, held during the months of May and June in each year, and published in the "Farmers' Gazette." The prices of lambs are those current during May and June in the Dublin market.

The prices of butter given were taken from reports of Cork and other leading butter markets in Munster, and also the Dublin market.

| | 1830. | | 1840. | | 1845. | | 1846. | | 1847. | | 1848. | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. |
| Wheat, per 112 lbs. | 13 – | 14 8 | 10 – | 14 6 | 11 – | 13 – | 16 – | — | 12 – | — | 10 8 | — |
| Oats „ | 6 – | 8 8 | 5 8 | 6 10 | 7 – | 7 9 | 11 8 | — | 6 8 | — | 6 – | — |
| Barley „ | 7 9 | 9 3 | 6 – | 7 9 | 7 6 | 8 9 | 12 – | — | 8 – | — | 6 10½ | — |
| Flax „ | – – | – | – – | – | 41 – | 48 – | 37 – | 48 – | 36 – | 44 – | 32 – | 52 – |
| Butter „ | 80 – | 90 – | 80 – | 90 – | 72 – | 84 | 86 – | 92 – | 80 – | 88 – | 68 – | 80 – |
| Beef „ | – – | – | 40 – | 56 – | 46 – | 52 6 | 45 – | 55 – | 45 – | 56 – | 50 – | 56 – |
| Mutton „ | – – | – | 37 4 | 56 – | 51 4 | 60 8 | 51 4 | 60 8 | 56 – | 60 8 | 51 4 | 60 8 |
| Pork „ | – – | – | 36 – | 42 – | 36 – | — | 46 – | — | 56 – | 60 – | 40 – | 59 – |
| Potatoes „ | 2 – | 3 6 | 1 4 | 3 – | 1 4 | 2 6 | 6 – | 8 – | 5 – | 6 – | 4 – | 8 8 |
| Wool, per lb. | – – | – | 1 – | 1 1½ | 1 1 | 1 2 | 1 – | — | – 10 | – 11 | – 8¼ | — |
| Hay, per 112 lbs. | 3 – | 4 – | 4 – | — | 3 8 | — | 2 6 | 3 – | 3 – | 3 6 | 2 – | 2 6 |
| Straw „ | 1 6 | 2 – | 1 8 | 2 – | 1 – | 1 10 | 1 4 | 1 8 | 1 – | 1 2 | – 8 | 1 3 |
| Eggs, per 120 | 4 – | 5 – | 4 – | 5 – | 4 4 | — | 4 – | 5 – | 5 6 | 5 8 | 4 6 | 5 – |
| Milch cows | – – | – | 8 *l.* | 12 *l.* | 6 *l.* | 13 *l.* | 9 *l.* | 12 *l.* | 5 *l.* | 12 *l.* | 6 *l.* | 12 *l.* |
| Two-year-old cattle | – – | – | – – | | 4 *l.* | 6 *l.* | 7 *l.* | 10 *l.* | 9 *l.* | 10 *l.* | 8 *l.* | 10 *l.* |
| One-year-old cattle | – – | – | – – | – | 2 *l.* 10 *s.* | 4 *l.* 10 *s.* | 3 *l.* | 6 *l.* | 5 *l.* | 6 *l.* | 4 *l.* | 6 *l.* |
| Lambs | – – | – | – – | – | 17 – | 22 6 | 18 – | 22 – | 18 – | 24 – | 15 – | 25 – |

| | 1849. | | 1850. | | 1851. | | 1852. | | 1853. | | 1854. | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. |
| Wheat, per 112 lbs. | 8 1 | — | 8 – | 10 – | 8 –½ | — | 7 6 | Basis of Griffith's Valuation. | 13 – | 17 6 | 12 – | 18 – |
| Oats „ | 5 2 | — | 5 10 | 6 10 | 5 6¾ | — | 4 10 | | 7 2 | 8 – | 8 – | 10 – |
| Barley „ | 5 10 | — | 5 3 | 6 9 | 5 10 | — | 5 6 | | 8 8 | 9 11 | 7 9 | 10 – |
| Flax „ | 40 – | 65 – | 40 – | 70 – | 40 – | 60 – | 49 – | | — | | — | |
| Butter „ | 60 – | 66 – | 52 – | 74 – | 70 9½ | — | 65 4 | | 74 – | 93 – | 84 – | 98 – |
| Beef „ | 30 – | 46 – | 30 – | 48 – | 41 2½ | — | 35 6 | | 46 – | 60 – | 50 – | 65 – |
| Mutton „ | 46 8 | 51 4 | 37 4 | 56 – | 48 9½ | — | 41 – | | 56 – | 63 – | 56 – | 65 – |
| Pork „ | 33 – | 36 – | 30 – | 42 – | 36 7 | — | 32 – | | 45 – | 50 – | 47 – | 50 – |
| Potatoes „ | 4 – | 5 4 | 4 6 | 5 – | 3 9½ | — | 3 6 | 6 6 | 4 – | 5 8 | 5 – | 8 – |
| Wool, per lb. | – 9 | — | – 10 | 1 1½ | – 10¾ | 1 – | 1 – | 1 2 | 1 3 | 1 4½ | – 11 | 1 1 |
| Hay, per 112 lbs. | 1 8 | 2 2 | 2 – | 2 10 | 1 8 | 2 4 | 1 6 | 2 2 | 4 – | 4 6 | 4 6 | 5 6 |
| Straw „ | – 6 | 1 6 | – 8 | 1 4 | – 9 | 1 1 | – 10 | 1 – | 1 6 | 2 6 | 1 8 | 2 6 |
| Eggs, per 120 | 4 – | 5 – | 4 6 | 4 8 | 4 – | 4 6 | 4 3 | 4 4 | 5 – | — | 4 – | 6 – |
| Milch cows | 6 *l.* | 10 *l.* 10 *s.* | 6 *l.* | 12 *l.* | 7 *l.* | 12 *l.* | 8 *l.* | 14 *l.* | 8 *l.* | 13 *l.* | 9 *l.* | 15 *l.* |
| Two-year-old cattle | 6 *l.* | 9 *l.* | 4 *l.* | 9 *l.* | 6 *l.* | 7 *l.* 10 *s.* | 4 *l.* | 8 *l.* 10 *s.* | 4 *l.* | 7 *l.* | 6 *l.* | 10 *l.* |
| One-year-old cattle | 2 *l.* 5 *s.* | 4 *l.* 10 *s.* | 1 *l.* 5 *s.* | 5 *l.* | 2 *l.* | 5 *l.* | 2 *l.* 10 *s.* | 5 *l.* 10 *s.* | 2 *l.* | 5 *l.* | 2 *l.* 10 *s.* | 5 *l.* |
| Lambs | 14 – | 24 – | 14 – | 23 – | 16 – | 24 – | 18 – | 26 – | 19 – | 22 – | 21 – | 27 – |

| | 1855. | | 1856. | | 1857. | | 1858. | | 1859. | | 1860. | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. |
| Wheat, per 112 lbs. | 18 – | — | 12 – | 13 – | 10 – | 11 – | 8 – | 9 – | 9 6 | 11 6 | 11 – | 13 4 |
| Oats „ | 10 4 | — | 6 6 | 7 6 | 6 – | 7 6 | 6 – | 6 6 | 7 – | 7 6 | 8 – | 9 4 |
| Barley „ | 12 4 | — | 8 – | 12 6 | 8 – | 9 6 | 5 6 | 8 6 | 8 – | 8 6 | 8 – | 10 6 |
| Flax „ | 56 – | 93 – | 56 – | 96 – | 56 – | 80 – | 72 – | 112 – | 35 – | 91 – | 42 – | 91 – |
| Butter „ | 84 – | 96 – | 94 – | 108 – | 84 – | 115 – | 98 – | 104 – | 102 – | 114 – | 74 – | 103 – |
| Beef „ | 50 – | 58 – | 50 – | 60 – | 60 – | 63 – | 56 – | 60 – | 50 – | 62 – | 45 – | 63 – |
| Mutton „ | 56 – | 60 8 | 56 – | 66 – | 56 – | 68 – | 56 – | 60 8 | 51 4 | 59 6 | 56 – | 70 – |
| Pork „ | 49 – | 52 – | 54 – | — | 55 – | — | 40 – | 44 – | 46 – | 50 – | 50 – | 58 – |
| Potatoes „ | 4 – | 5 4 | 2 6 | 4 – | 5 – | 6 – | 2 4 | 4 – | 2 4 | 5 4 | 4 – | 7 6 |
| Wool, per lb. | 1 – | 1 1 | 1 3 | — | 1 6 | — | 1 3 | — | 1 5 | 1 6 | 1 7 | 1 8 |
| Hay, per 112 lbs. | 3 – | 4 10 | 2 6 | 3 6 | 3 – | 3 10 | 3 – | 3 10 | 4 6 | 5 8 | 3 – | 4 2 |
| Straw „ | 1 8 | 2 4 | 1 3 | 1 8 | 1 – | 1 10 | 1 4 | 2 – | 3 – | 3 6 | 1 8 | 2 4 |
| Eggs, per 120 | 4 10 | 5 – | 5 6 | — | 5 3 | 6 4 | 5 – | 5 10 | 5 – | 6 – | 5 – | 6 2 |
| Milch cows | 12 *l.* | 16 *l.* | 12 *l.* | 17 *l.* | 12 *l.* | 20 *l.* | 12 *l.* | 20 *l.* | 12 *l.* | 18 *l.* | 11 *l.* | 20 *l.* |
| Two-year-old cattle | 6 *l.* | 11 *l.* | 7 *l.* | 11 *l.* | 7 *l.* | 12 *l.* | 8 *l.* | 10 *l.* | 7 *l.* | 13 *l.* | 8 *l.* | 12 *l.* |
| One-year-old cattle | 4 *l.* | 7 *l.* | 4 *l.* | 8 *l.* | 3 *l.* | 4 *l.* | 5 *l.* | 7 *l.* | 3 *l.* 10 *s.* | 7 *l.* | 4 *l.* | 7 *l.* |
| Lambs | 18 – | 25 – | 18 – | 25 – | 20 – | 31 – | 20 – | 32 – | 20 – | 28 – | 25 – | 35 – |

| | 1861. | | 1862. | | 1863. | | 1864. | | 1865. | | 1866. | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. |
| Wheat, per 112 lbs. | 10 – | 13 3 | 8 – | 10 – | 7 6 | 9 6 | 7 6 | 8 3 | 10 8 | 14 – | 11 – | 15 4 |
| Oats „ | 6 3 | 7 9 | 5 – | 7 6 | 5 – | 7 6 | 5 3 | 6 3 | 7 – | 8 – | 8 – | 9 6 |
| Barley „ | 6 6 | 9 6 | 6 3 | 8 9 | 6 – | 8 3 | 6 3 | 7 8 | 7 3 | 8 6 | 9 6 | 12 – |
| Flax „ | 36 – | 72 – | 56 – | 84 – | 60 – | 88 – | 44 – | 84 – | 80 – | 132 – | 64 – | 124 – |
| Butter „ | 105 – | 108 – | 83 – | 93 – | 90 – | 102 – | 95 – | 114 – | 118 – | 120 – | 110 – | 122 – |
| Beef „ | 58 – | 63 – | 54 – | 60 – | 56 – | 60 – | 60 – | 65 – | 63 – | 67 6 | 68 – | 75 – |
| Mutton „ | 60 8 | 67 4 | 60 8 | 70 – | 56 – | 65 4 | 67 8 | 70 – | 72 4 | 77 – | 67 8 | 79 4 |
| Pork „ | 50 – | 53 – | 44 – | 48 – | 44 – | 48 – | 47 – | 51 – | 55 – | 58 – | 55 – | 58 6 |
| Potatoes „ | 4 4 | 5 6 | 3 6 | 4 4 | 2 2 | 3 4 | 2 4 | 3 4 | 3 – | 3 4 | 3 – | 4 6 |
| Wool, per lb. | 1 6 | — | 1 6 | 1 9 | 1 6 | 2 – | 2 – | 2 4½ | 1 6 | 2 – | 1 6 | 1 10 |
| Hay, per 112 lbs. | 3 – | 3 8 | 3 – | 4 – | 3 – | 3 8 | 3 4 | 4 – | 2 10 | 3 6 | 3 – | 3 10 |
| Straw „ | 1 2 | 2 2 | 1 8 | 2 4 | 1 6 | 2 4 | 1 4 | 2 – | 1 8 | 2 6 | 1 6 | 2 – |
| Eggs, per 120 | 5 10 | 6 6 | 5 6 | 6 4 | 5 6 | 6 8 | 5 6 | 7 – | 6 – | 7 – | 5 9 | 6 – |
| Milch cows | 12 *l.* | 20 *l.* | 10 *l.* | 18 *l.* | 15 *l.* | 20 *l.* | 12 *l.* | 18 *l.* | 14 *l.* | 20 *l.* | 12 *l.* | 18 *l.* |
| Two-year-old cattle | 7 *l.* | 10 *l.* | 8 *l.* | 12 *l.* | 9 *l.* | 12 *l.* | 9 *l.* | 15 *l.* | 8 *l.* | 12 *l.* | 8 *l.* | 11 *l.* |
| One-year-old cattle | 3 *l.* 10 *s.* | 7 *l.* | 5 *l.* 10 *s.* | 7 *l.* 10 *s.* | 3 *l.* 15 *s.* | 7 *l.* | 5 *l.* 10 *s.* | 7 *l.* | 4 *l.* | 9 *l.* | 4 *l.* 10 *s.* | 8 *l.* |
| Lambs | 24 – | 32 – | 22 – | 33 – | 20 – | 33 – | 16 – | 38 – | 20 – | 40 – | 30 – | 38 – |

| | 1867. | | 1868. | | 1869. | | 1870. | | 1871. | | 1872. | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. |
| Wheat, per 112 lbs. | 14 8 | 16 – | 14 4 | — | 12 – | — | 10 4 | — | 12 6½ | — | 12 8 | — |
| Oats „ | 9 4 | 11 2 | 9 8 | — | 8 6 | — | 7 11½ | — | 8 – | — | 7 8 | — |
| Barley „ | 10 | 10 6 | 10 8½ | — | 10 1¾ | — | 8 1½ | — | 8 10½ | — | 9 1½ | — |
| Flax „ | 52 – | 104 – | 64 – | 120 – | 56 – | 96 – | 44 – | 76 – | 64 – | 112 – | 60 – | 70 – |
| Butter „ | 80 – | 105 – | 120 – | 130 – | 108 – | 113 – | 110 – | 130 – | 114 – | 118 | 100 – | 126 – |
| Beef „ | 65 – | 70 – | 60 – | 72 6 | 65 – | 80 – | 70 – | 72 6 | 70 – | 80 – | 70 – | 85 – |
| Mutton „ | 46 8 | 65 4 | 56 – | 79 4 | 56 – | 79 4 | 74 8 | 77 – | 74 8 | 84 – | 74 8 | 88 8 |
| Pork „ | 40 – | 44 – | 55 – | 57 – | 60 – | 63 – | 52 – | 60 – | 40 – | 42 – | 48 – | 50 – |
| Potatoes „ | 4 – | 4 8 | 3 – | 4 8 | 2 4 | 4 4 | 3 4 | 4 8 | 3 9 | 4 9 | 5 – | 8 6 |
| Wool, per lb. | 1 2 | 1 6 | 1 4 | 1 6 | 1 2 | 1 4 | 1 – | 1 4 | 1 10 | 2 1 | 1 10 | 2 – |
| Hay, per 112 lbs. | 4 – | 4 10 | 4 – | 5 4 | 3 – | 4 4 | 4 – | 4 10 | 3 6 | 4 6 | 3 – | 4 – |
| Straw „ | 1 10 | 2 8 | 1 6 | 2 8 | 1 8 | 2 8 | 1 10 | 2 6 | 2 2 | 2 8 | 2 – | 3 – |
| Eggs, per 120 | 5 8 | 6 8 | 5 9 | 6 8 | 5 8 | 6 9 | 6 – | 7 6 | 6 – | 7 – | 6 6 | 7 – |
| Milch cows | 15 *l.* | 22 *l.* 10 *s.* | 15 *l.* | 20 *l.* | 13 *l.* | 24 *l.* | 16 *l.* | 23 *l.* | 17 *l.* | 21 *l.* | 13 *l.* | 21 *l.* |
| Two-year-old cattle | 6 *l.* | 9 *l.* | 9 *l.* | 11 *l.* | 8 *l.* | 11 *l.* | 9 *l.* | 11 *l.* | 10 *l.* | 13 *l.* 10 *s.* | 13 *l.* | 14 *l.* 10 *s.* |
| One-year-old cattle | 3 *l.* 10 *s.* | 5 *l.* | 4 *l.* | 6 *l.* | 4 *l.* | 6 *l.* 10 *s.* | 3 *l.* 10 *s.* | 7 *l.* 10 *s.* | 6 *l.* | 9 *l.* | 7 *l.* | 8 *l.* 8 *s.* |
| Lambs | 36 – | 40 – | 25 – | 32 – | 22 – | 37 – | 35 – | 38 – | 26 – | 36 – | 25 – | 40 – |

| | 1873. | | 1874. | | 1875. | | 1876. | | 1877. | | 1878. | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. | s. d. |
| Wheat, per 112 lbs. | 12 – | — | 9 4 | — | 9 5 | — | 9 8½ | — | 10 8 | — | 8 3 | 9 6 |
| Oats „ | 6 10 | — | 9 – | — | 8 2 | — | 7 5½ | — | 8 –½ | — | 8 – | 9 – |
| Barley „ | 5 6 | — | 9 1 | — | 8 8 | — | 8 4⅝ | — | 9 – | — | 7 – | 9 9 |
| Flax „ | 66 7 | — | 56 – | 76 – | 60 – | 88 – | 52 – | 74 – | 66 – | 82 – | 52 – | 72 – |
| Butter „ | 110 – | 140 – | 110 – | 150 – | 115 – | 140 – | 110 – | 154 – | 89 – | 126 – | 90 – | 115 – |
| Beef „ | 70 – | 95 – | 70 – | 85 – | 70 – | 87 6 | 70 – | 85 – | 60 – | 84 – | 65 – | 84 – |
| Mutton „ | 74 – | 88 – | 74 8 | 88 8 | 65 4 | 84 – | 76 – | 98 – | 74 8 | 102 8 | 74 8 | 98 – |
| Pork „ | 50 – | 60 – | 55 – | 60 – | 58 – | 60 – | 51 9¼ | — | 51 – | 60 – | 46 – | 60 – |
| Potatoes „ | 3 8 | 6 – | 2 8 | 3 6 | 3 – | 4 – | 3 6¼ | — | 5 – | 7 – | 3 6 | 5 6 |
| Wool, per lb. | 1 5 | 2 – | 1 3 | 1 9 | 1 5 | 1 8 | 1 2 | 1 4½ | 1 1¼ | 1 4 | 1 – | 1 3 |
| Hay, per 112 lbs. | 5 – | 7 – | 4 8 | 6 – | 5 6 | 6 – | 5 – | 6 6 | 3 10 | 4 8 | 3 – | 4 – |
| Straw „ | 2 6 | 4 4 | 2 6 | 3 6 | 2 6 | 4 – | 2 4 | 4 4 | 2 – | 3 6 | 1 2 | 2 8 |
| Eggs, per 120 | 6 3 | 8 4 | 7 – | 9 – | 7 3 | 9 – | 6 4 | 11 – | 5 10 | 7 6 | 5 – | 9 9 |
| Milch cows | 15 *l.* | 25 *l.* | 18 *l.* | 28 *l.* | 16 *l.* | 24 *l.* | 14 *l.* | 24 *l.* | 16 *l.* | 26 *l.* | 15 *l.* | 24 *l.* |
| Two-year-old cattle | 9 *l.* | 14 *l.* | 12 *l.* | 16 *l.* | 10 *l.* | 12 *l.* | 10 *l.* | 16 *l.* | 10 *l.* | 15 *l.* | 10 *l.* | 15 *l.* |
| One-year-old cattle | 5 *l.* | 11 *l.* | 6 *l.* | 9 *l.* | 7 *l.* | 9 *l.* | 5 *l.* | 12 *l.* | 5 *l.* | 10 *l.* | 6 *l.* | 11 *l.* |
| Lambs | 30 – | 50 – | 30 – | 45 – | 25 – | 42 – | 26 – | 50 – | 30 – | 45 – | 30 – | 48 – |

| | 1879. | | Remarks, Prices in 1879. | 1880. | | 1881. | |
|---|---|---|---|---|---|---|---|
| | s. d. | s. d. | | s. d. | s. d. | s. d. | s. d. |
| Wheat, per 112 lbs. | 10 – | 12 – | Crop 1879. | 9 – | 9 6 | 8 9 | 11 7 |
| Oats „ | 6 8 | 10 6 | | 7 – | 8 – | 5 8 | 10 3 |
| Barley „ | 7 – | 9 3 | | 7 – | 8 8 | 6 6 | 9 – |
| Flax „ | 56 | 80 – | | 50 – | 80 – | 24 – | 84 – |
| Butter „ | 61 – | 131 | At Cork 1st quality was quoted as low as 76 *s.*, and 77 *s.* in July and August. | 80 – | 140 – | 50 – | 143 – |
| Beef „ | 50 | 80 – | The lowest top price quoted, 66 *s.*, was in October. | 60 – | 70 – | 50 – | 76 – |
| Mutton „ | 56 – | 93 4 | Top price in October, 8½ *d.* per lb.; 79 *s.* 4 *d.* per cwt. | 65 – | 84 – | 65 – | 84 – |
| Pork „ | 46 – | 57 – | | 56 – | 58 – | 50 – | 60 – |
| Potatoes „ | 5 – | 7 4 | Crop 1879. | 2 6 | 3 8 | 2 6 | 5 6 |
| Wool, per lb. | – 9½ | – 11½ | Trade very dull through the season. | 1 2 | 1 5 | – 9 | 1 2 |
| Hay, per 112 lbs. | 4 – | 5 – | Crop 1879. | 3 – | 4 6 | 2 – | 6 8 |
| Straw „ | 1 6 | 2 4 | | 1 4 | 2 6 | 1 4 | 5 – |
| Eggs, per 120 | 7 6 | 9 – | | 5 10 | 10 – | 5 6 | 14 – |
| Milch cows | 14 *l.* | 23 *l.* | | 12 *l.* | 22 *l.* | 13 *l.* 10 *s.* | 25 *l.* |
| Two-year-old cattle | 9 *l.* | 14 *l.* | | 9 *l.* 10 *s.* | 15 *l.* | 9 *l.* | 15 *l.* |
| One-year-old cattle | 5 *l.* | 10 *l.* | | 5 *l.* | 11 *l.* 15 *s.* | 5 *l.* 10 *s.* | 10 *l.* |
| Lambs | 22 – | 50 – | | 27 – | 47 – | 20 – | 48 – |

EXTRACT from the "Farmers' Gazette," 6 September 1879.

## LESSONS FROM THE PAST.

THE unfavourable circumstances in which farmers are placed at the present time, from a succession of bad harvests and other depressing influences, have been described as unparalleled, and of such a nature that it is scarcely possible the effects can ever be wholly overcome. A little consideration, however, would show that past experience does not justify the idea that the present state of the agricultural interests is unprecedented, nor does it sanction the desponding views which some are disposed to entertain. It has been said that history repeats itself, and this is true, not only of great political events, but also of matters appertaining to the social condition of a nation.

It has been stated by some that weather runs in cycles, which are covered by a space of nineteen years, and it has been considered that the system of letting land on lease for a period of nineteen years, which has generally prevailed in Scotland, originated in some opinion of this kind. Be that as it may, we certainly find, on looking back on the agricultural history of the country, some curious facts which would appear to support the theory that in the course of each nineteen years we have a return of certain conditions of weather, &c., at corresponding periods, and that such conditions exercise a similar influence, favourable or otherwise, on the position and prospects of farmers and the trading classes. We shall endeavour to illustrate this point, and in doing so shall not go further back than the years 1861 to 1863. This country had by that time recovered from the effects of the famine years, and, in fact, had attained a considerable degree of prosperity.

A change for the worse took place in 1860. The spring of that year was unusually severe, and the preparation of the land for sowing was delayed to a late period, owing to wetness of the season. On 17th March 1860 we reported that "the severity of the weather is pressing very hard on those who are trying to carry their cattle through, and where fodder has to be purchased for that purpose, the expense is ruinous. The winter and spring of 1859-60 will be long remembered, on account of the straits to which many have been reduced for keep, a parallel case being that of 1826-27." The Dublin cattle markets were glutted from an early period in spring with half-fed beasts, the owners of which were compelled to sell them at a loss, owing to the scarcity and high price of hay. At the fair of Boyle, reported in our issue of 7th April, three-year-old cattle brought from 8*l.* to 11*l.*; two-year-olds, 6*l.* to 8*l.*, and even at those low figures scarcely any sales took place. "Not a shilling was offered for younger cattle, which appeared in large numbers; dry cows and strippers almost the same, and scores upon scores left without being asked the price." On 21st April we reported that "from nearly all parts of the country the most distressing accounts are received of the losses sustained by deaths among cattle from sheer starvation. Winter-sown oats have nearly all perished from the effects of the frost. Very little has been done in preparing for or getting in spring crops, the land lying just as it was when last year's crop was harvested." On 16th June we stated in our weekly report that "the long continuance of wet weather is causing matters to assume a serious appearance. On heavy lands wheat and oats are getting quite yellow and sickly, and, in fact, the country is flooded to such an extent that nothing can be done. The sowing of swedes can scarcely be said to have commenced, except in a few cases of limited extent." The harvest of 1860 was also unfavourable. In our issue of 25th August we stated that "it is now many years since such a succession of unfavourable weather was experienced as that which has characterised the current year. Not only have we had a more than usually copious rainfall, but there has been an almost constant absence of sunshine, which has retarded the ripening of the crops, and will, no doubt, be found seriously to affect their productiveness, even should we have a more favourable change during the remainder of the autumn months. The country papers are full of reports of the fearful damage done by the rains. Fully one-third of the hay crop is useless as provender." The potato crop was also very much diseased in most parts of the country. On 30th August we stated that "reaping is going on in patches, but the general appearance of the crops is very unequal, so far as regards ripeness. A large proportion of the late cut hay is only fit for litter." The weather during that month continued wet and stormy, and it was not until the beginning of October that much was done in securing the crops, and on the 20th of that month fields of green, unripe corn were to be seen in several parts of the country, and even so late in the season as 10th November there was a considerable portion of the crop still in stock.

In 1861 spring work was retarded on account of the weather. In our issue of 7th September it was reported that "an immense quantity of hay has been spoiled by the long continued wet weather." The potato crop of 1861 was so much diseased that, as stated in our columns at the time, farmers gave up "all hope of saving any portion of the crop, and they prefer to allow it to rot in the ground rather than waste the time they can devote to securing their cereal produce. Never since the year 1846 or 1847 has there been so general a failure in the potato produce as this year exhibits." In another report in our issue of 14th September it was stated that "many fields of corn, in a half-green state, and standing in several inches of water, were cut and carried off, from the inevitable consequence of rotting. Crops were submerged and almost embedded in the slush and

mud which the swollen rivers brought down. The produce of old meadows floated away in all directions, and then came the potato disease, with almost a certainty of a total failure. As regards wheat, growers must content themselves with an average of from four to six barrels per acre when thrashing is over. This, indeed, is a low return, lower than has been remembered within the memory of the present generation."

The spring of 1862 was also late, and sowing was consequently retarded. On 20th June "the continued unfavourable nature of the weather is exciting somewhat serious apprehensions." In our issue of 5th July it was stated that "great complaints are being made of the bad quality of the grass; it has not the usual feeding qualities, being soft and innutritious. This is attributable to the nature of the season, the cold, dark, wet weather which has been so prevalent being most unfavourable to healthy vegetation." A correspondent of the "Freeman's Journal," writing from county Tyrone, and whose communication was re-produced in our issue of 19th July, stated that "great apprehensions are being felt for the safety of the crops. The corn and flax crops will not give anything like an average yield. A great many of the small farmers were compelled to have recourse to the loan funds in their different districts, to enable them to put in their crops, and now that some of them are beginning to come to perfection, the bailiffs are out every day in all directions executing decrees which have been obtained against them during the sessions just brought to a close in this county. Such a state of things is lamentable, and a great deal of blame rests upon those shopkeepers who encourage and carry out with the country farmers a large credit trade." On 26th July we stated that "difficulty is still experienced in getting grass cattle ready for market, owing to the poor qualities of the grass, and the same cause, as will be seen in another part of this report, is seriously affecting the production of butter." The statement with regard to butter was as follows: "Dairy farmers in the south-west are complaining strongly of the unprecedented shortness of the produce of butter, arising from the bad quality of the pasture this season." On the 16th of August we wrote that "another week of unsettled weather has tended to increase the anxiety which is naturally felt regarding the coming harvest. In ordinary years harvest operations would have been far advanced by this time in forward districts; but this year there will be little done before the beginning of next month." "The complaints of the poor quality of the pasture this season are universal, and considerable loss must be the result, from the want of improvement in stock." A correspondent, writing from the Ards district of county Down, in our issue of 15th November, stated that he felt "no hesitation in saying that this is the worst season the farmers have seen for the last half century; and although all crops here are nearly secured, many other districts have a great portion of their crops out yet, at the mercy of this lamentable weather." From county Mayo it was reported that "farmers feel but little confidence in recovering themselves out of the heavy debts and outlays of the past two years from any returns they see in the present, and our shopkeepers feel this in a general absence of activity." At the end of November there was not only grain in stock, but actually to reap in some parts of the country; and we stated at the time that "what with damaged crops, and crops which, though saved some time ago, are yielding very indifferently, this is one of the worst seasons farmers have had to encounter for many years. The announcements which are appearing of abatements of rents varying from 15 to 30 per cent., according to circumstances, indicate the course which several landlords have taken with their tenantry under the present pressure, arising from deficient crops; and we trust that landlords in all cases will bear in mind the fact that a large number of farmers will find it impossible to feed their families, and, at the same time, meet their landlords' claims in full." During the years we have referred to, and especially in 1860 and 1861, great difficulty was experienced in saving turf, so much so that there was a fuel famine in many districts, and various plans were suggested for economising fuel, and for teaching the peasantry how to use coal with advantage.

We shall now see how the meteorological characteristics of the years we have mentioned affected the live stock of the country. In 1859 there were 648,379 horses and mules in Ireland, while in June 1863 there were 599,971 animals of that class, being a decrease during the intervening years of 48,408 head. In 1859 the total number of cattle in Ireland was 3,815,598 head; in 1863 the number given was 3,144,231 head of all ages, being a decrease of 671,367 head. Of sheep there were in Ireland in 1859, 3,592,804 head; and in 1863, 3,308,204 head, being a decrease of 284,600 head. The rot was very prevalent, especially in the west, during the years referred to; but, notwithstanding the experience of those years, little or nothing was subsequently done to diminish the risk; consequently, it was felt with redoubled force during last winter and spring. We hear much of the fatalistic opinions entertained by the Turks, but we have fatalism in abundance nearer home.

In those classes of live stock which are in an especial manner the stock of the small farmers there was also a marked decrease. Thus, of asses the decrease was 2,110 head; of goats, 53,302 head; of pigs, 198,293 head; and of poultry, 602,631 head. Putting a money value on the loss of stock between 1860 and 1862, both inclusive, at the very low rates assumed by the Census Commissioners of 1841, and subsequently adopted by Mr. Donnelly, when he was Registrar General, we find that during these years Irish farmers suffered a loss of 5,064,159; an estimate which would be nearer the truth if we added 50 per cent. to it.

In March 1863 Mr. James Ganly, when speaking at a meeting held in the Board-room

room of the Royal Dublin Society, spoke of "the patent facts of the small farmers being unable to pay rents; in many cases unable to get seed and labour, if the rents were forgiven; the country shopkeepers all breaking into bankruptcy, and the merchants suffering losses as a consequence; railway reports showing deficiencies of traffic in every instance; and the cause of all evidently that of three consecutive wet seasons, for which our people were unprepared, by not having their land drained, for want of skill and energy." If anyone wished to depict the state of matters at the present moment, he would employ language similar to that used by Mr. Ganly 16 years ago. But since that times, hopeless as the future seemed to be, the agriculture of the country has been in a very prosperous state, and the fact that we passed through a period of great depression included within the years 1860 to 1862 has been quite forgotten. We think that our past experience should be regarded as affording us good grounds for hopefulness as to the future; and we heartily re-echo the brave words spoken by the Prince of Wales: "A great and prosperous country like ours must not despair. Better times are in store for us. We must not, therefore, hold down our heads, but do our utmost to mitigate the evils with which we have to deal, and hereafter our labours will be crowned with success."

# I N D E X

TO THE

# REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON

# LAND LAW (IRELAND).

## FIRST REPORT.

*Ordered, by* The House of Commons, *to be Printed,*
26 *June* 1882.

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"*Block in Court.*" Opinions that there is a block, *Moore* 847-9; *Overend* 1334; *Little* 1505, 1530; *Fottrell,* 2469—— That number of cases is increasing, *Moore* 848, 865——That cases pending will take six or seven years, *Overend* 1334——Eight or ten years, *Orr* 2670-1——Twelve years, *Moore* 866-8, 922-3——More than fifteen years, *Fottrell* 2513.

Causes of the Block:

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Belief that on tenant's application, rent could not be raised, *Moore* 882-5.

Ignorance of principles guiding Sub-Commissioners, *Overend* 1204; *Orr* 2647, 2654-6, 2676; *Scott,* 2842-3.

Delay in hearing appeals, *Overend* 1189.

Remedies suggested:

That more cases be heard by county court, *Overend* 1343; *Orr* 2728-33.

That two valuators be appointed, with umpire or court to decide in case of difference, *Little* 1536-47; *Orr* 2618-31——This suggestion questioned, *Townshend* 1766-8.

That Valuation Office appoint the valuers, *Orr* 2620, 2632-4, 2644-6——Or fix rent, *Young* 3111-3, 3128-9, 3134-5.

That official valuer of Commission make preliminary report in all cases, *Lynch* 4423.

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That rent be fixed, subject to appeal, at Griffith's valuation, or ten per cent. above it, *Fottrell* 2470-93.

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That agreements will increase, *Godley* 347-8, 546; *Little* 1503-5.

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*Building Societies Act,* 1874 (37 & 38 *Vict. c.* 42). Application of s. 42 to mortgages vested in Commissioners recommended, *Fottrell, App.* 446.

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*CASES:*

(1.) *Statistics of Numbers, &c.*
(2.) *Listing of Cases.*
(3.) *Notice of Hearing.*
(4.) *Hearing.*
(5.) *Settlement by Agreement.*

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I.

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*PURCHASE SECTIONS OF ACT* (*Part V., ss.* 24-30):

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(*d.*) Tenants' inability to pay money down, *Godley* 587-8; *Townshend* 1774; *O'Brien* 2029, 2079-80; *Fottrell* 2389; *Scott* 2939; *Young* 3030, 3033-5; *Litton* 3539; *O'Hagan* 3793-5.

(*e.*) Or to make annual payments as high as the present, *O'Brien* 2079; *Fottrell* 2390–1, 2531; *Orr* 2682–3; *Scott* 2911; *Young* 3011-2; *Litton* 3540; *O'Hagan* 3792, 3798; *Vernon* 4101–2, 4269.

(*f.*) Unwillingness of landlords to sell, *Fottrell* 2397——For sale cannot improve their finances, *Litton* 3584–6——But *contra*, *Little* 1574–5——Loss to limited owner of two-fifths of his income, *Fottrell* 2336; *O'Hagan* 3818-23, 3825–7; *Vernon* 4104–8.

(*g.*) In limited estates, expense thrown on tenant by Lands Clauses Consolidation Act, *O'Brien* 2104-15; *Fottrell* 2338; *App.* 442; *O'Hagan* 3822–4.

(*h.*) Head rents, quit rents, and middlemen, *Townshend* 1782; *O'Brien* 2041; *Fottrell* 2365-9, 2388; *O'Hagan* 3799-801; *Vernon* 4112.

(4.) *Remedies Suggested:*

(*b.*) Agreement to purchase should precede fixing fair rent, and be independent of it, *Vernon* 4137-9, 4149-55——Price to be settled by parties, subject to approval of Commission as to security, *ib.* 4264-8.

(*d.*) Advance by Commission of the whole purchase-money, *Godley* 609; *Little* 1584; *O'Brien* 2180; *Fottrell* 2583; *Orr* 2743-7; *Scott* 2940-1——Which might be done without loss, *O'Brien* 2180-3; *Lynch* 4385——Tenant's interest being sufficient margin, *O'Brien* 2181-3; *Fottrell* 2398-9; *Lynch* 4386-9——And increasing with each instalment paid, *Godley* 661-2; *Townshend* 1780; *Vernon* 4166–8 (but *see* 4159).

(*e.*) Reduction of instalments to less than rent, *Godley* 609; *Little* 1586-7; *Townshend* 1777; *Young* 3030-2, 3086——And consequent extension of time of repayment, *Scott* 2940–1, 2954——to 50 years, *Townshend* 1777; *O'Brien* 2102-3; *Vernon* 4136——to 52 years, *Fottrell* 2399, 2581——to 60 years, *Orr* 2682——No loss would accrue to the Government, *Godley* 611; *Young* 3039-41, 3086——Which could foreclose without difficulty, *Lynch* 4456-60.

(*f.*) Repeal of Section 25, *O'Brien* 2107——And enlarged powers of investment for limited owners and trustees, *ib.* 2107, 2113-21; *Lynch* 4363-5——Payment to life tenant of his interest capitalised, balance to be invested for remainder man, *O'Brien* 2114, 2138-41; *Fottrell* 2344-59; *App.* 442-3.

(*h.*) Compulsory purchase of head rents and quit rents, *Townshend* 1782; *Fottrell* 2381-8; *O'Hagan* 3810; *Vernon* 4121, 4131-2——Or making them a charge on funds of Commission, *O'Brien* 2096-7.——See *Head Rents.* *Quit Rents.*

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Suggestion that Section 42 of Building Societies Act, 1874, be extended to mortgages vested in Commissioners, *Fottrell, App.* 446.

Recommendations of Report that repayment be made at 3½ per cent. for 66 years, or 4 per cent. for 46 years, *Report*, vii., 18——That limited owner have power to sell; trustees to invest proceeds of sale in securities usually authorised, *ib.* vi. 11——That power of redeeming head rents be given to life tenant, and power of apportionment or indemnity to Land Tribunal, *ib.* 12.

Opinions as to necessity of record of title. See *Title.*

(5.) *Payment:*

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(5.) *Payment of Instalments:*

Instalments usually paid, *Godley* 613, 639; *O'Brien* 2197; *Fottrell* 2314, 2394-6; *Young* 3039; *Lynch* 4460-1——Sometimes prepaid, *O'Brien* 2197——Even if higher than former rent, *Godley* 641-6, 654; *O'Brien* 2198-200——Though payment complained of, *Godley* 640, 655——Or purchaser much involved, *O'Brien* 2201.

See also *CHURCH TEMPORALITIES COMMISSION.*

Instalments more easily recovered than rent, *Godley* 614, 617; *O'Brien* 2225——Not affected by "No Rent" movement, *ib.* 2185-6——Should be capable of being discounted, *Vernon* 4169-70——And prepayment pleaded in bar to applications in times of future pressure, *ib.* 4171-4.

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## Q.

*Quarter Sessions Court.* Available for use of Sub-Commissions, *Overend* 1130.

*Quit Rents.* Redemption of required by Commission, *O'Brien* 2036-7——Price required by Crown, twenty-eight years' purchase, *ib.* 2038; *Lynch* 4373——Generally twenty-five years, *Fottrell* 2373-80.

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See also *Head Rents. Middlemen. PURCHASE SECTIONS.*

## R.

*Rack-rent.* Exaction of, of most alarming kind, probable in fifty years time, *Townshend* 1796, 1799-801.

*Reclamation.* Advances for; settled by Board of Works and Treasury, not Land Commission, *Godley* 355-60; *O'Brien* 2158-9; *Litton* 3611; *O'Hagan* 3847——No action taken, *Vernon* 4282——Inconvenient restrictions imposed by Board of Works, *Townshend* 1823-5; *Lynch* 4467.

*Record of Title.* See *Title.*

*Records.* Inspection of, at central office, practically refused, *Moore* 771-9.

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*RENT:*

(1.) *Existing Rents.*

(2.) *Reduction of Rents.*

(3.) *Fair Rent.*

(1.) *Existing Rents:*

Payment not facilitated by action of Courts, *Moore* 910——Well paid until present agitation, *O'Brien* 2214; *Scott* 2772, 2278-84, 2809; *Lynch* 4460——Pretty well paid in Antrim, *Orr* 2726-7——Worse paid in Clare since passing of Act, *Scott* 2855-6——Non-payment shifts locally from time to time, *ib.* 2856.

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*RENT*—continued.

(1.) *Existing Rents*—continued.

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That rent is often only changed on death of tenant, *Litton* 3515-8——Was raised by Church Temporalities Commission when leases fell in, *Godley* 700-3——Is less than annual payment of tenant purchasing, *Godley* 641-6——But payment of instalments no proof of fairness of rent, *ib.* 647-52.

That rent often exceeded estimate of landlord's valuator, *Overend* 1248, 1258-9.

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Decision of Sub-Commission that on case brought by tenant rent could not be increased, *Moore* 882-5——Instance of unwillingness to increase rent proved too low, *Townshend* 1807-10.

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(2.) *Reduction of Rent*:

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(3.) *Fair Rent:*

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*RENT*—continued.

(3.) *Fair Rent*—continued.

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*Rice, Mr. Sub-Commissioner,* belonged to Cork, and valued in Cork, *Scott* 2993-5.

*Rules and Orders.* Issued by commission, *Godley* 167-70; *App.* 425——Laid before Parliament, *Moore* 836——Sent to persons known to court, *ib.* 829——Published in Dublin, *ib.* 844.

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*Russell, Mr.* His proposal that court should deal with arrears at same time as rent, stated and objected to, *Fottrell* 2322-4.

## S.

*Sale of Land.* See *LAND, PURCHASE SECTIONS.*

*Schoolmaster.* Generally employed by tenant to survey holding and calculate acreage, *Overend* 1064, 1068; *Townshend* 1721——And as valuator, *ib.* 1692.

*Scotland.* Rent in, reduced proportionately to failure of crops, *Fottrell* 2304-6.

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*Solicitor.* Is usually employed by tenant, *Overend* 1025, 1081——Contracts to fight cases at 1 *l.* a piece, *ib.* 1025; *Little* 1505; *Townshend* 1820——Amount of his fees, *Moore* 762–70.

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*Stamps.* Issue of, and accounts of receipts for, managed by Stamp Office, not Commissioners, *Godley* 265, 326.

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*Sub-Commissioners.* Are thirty-six in number, *Godley* 201; *Litton* 3416——To be increased soon to forty-eight, *ib.* 3172, 3417——Twelve hold appointments for seven years, and twenty-four for one year, *Godley* 169–70, 202–3, 209; *Litton* 3457–60——Appointed by Lord Lieutenant, *Godley* 314–9, 425–6——Must be barristers or solicitors, or possess practical acquaintance with land, *Godley* 205–8; *Litton* 3419–20——But no proof that conditions complied with, *Godley* 425–30.

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Opinions as their Qualifications for valuing Land:

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*SUB-COMMISSIONS:*

(1.) *Constitution, Powers, and Circuits.*
(2.) *Proceedings on Trial.*
(3.) *Judgments.*
(4.) *Effect of Judgments.*
(5.) *Statements as to particular Sub-Commissions.*

(1.). *Constitution, Powers, and Circuits:*

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(2.) *Proceedings on Trial:*

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Evidence given as to value of holding, *Moore* 805——As to improvements, *Godley* 115; *Overend* 1042-51. (See *IMPROVEMENTS.*)——And trial would be adjourned for

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(2.) *Proceedings on Trial*—continued.

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(3.) *Judgments:*

Judgments of Sub-Commissions are given by legal Sub-Commissioner, *Godley* 516——Are not officially recorded, *ib.* 516——Fix the rent at gross sum, not at so much an acre, *Overend* 1236——Do not in all cases fix value of tenancy, *Godley* 97-8, 366, 370-1——But must do so if required, *ib.* 97; *Little* 1516-7; *Litton* 3519——Their principles of valuing tenant-right not known, *Little* 1519-20. See *Tenant-right*——Forms of orders, *App.* 427-34.

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Judgments do not state reasons for decision or facts on which it rests, *Godley* 92, 176-8 (but see 516); *Moore* 806; *Overend* 952, 1220-2; *Little* 1379, 1407; *Orr* 2648, 2677; *Scott* 2804——*Contra, Fottrell* 2494-9——Were at first more communicative, *Overend* 1227; *Fottrell* 2500.

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4. *Effect of Judgments:*

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(4.) *Effect of Judgments*—continued.

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(5.) *Statements as to particular Sub-Commissions:*

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TO THE

# REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON

# LAND LAW (IRELAND).

## FIRST REPORT.

*Ordered, by* The House of Commons, *to be Printed,*
26 *June* 1882.

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# SECOND

# REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON

# LAND LAW (IRELAND);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

*Ordered, by* The House of Commons, *to be Printed*,
18 *August* 1882.

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# SECOND REPORT.

BY THE SELECT COMMITTEE appointed to inquire into the Working of recent Legislation in reference to LAND in IRELAND and its Effect upon the Condition of the Country; and to Report to the House, and to whom leave was given to Report from time to time.

ORDERED TO REPORT,

THAT your Committee have, since their former Report, taken the evidence of several witnesses on the matters referred to them.

Much of this evidence relates to the manner in which the provisions of the Land Act have been acted on by the various Sub-Commissioners throughout Ireland, and your Committee were desirous of hearing the evidence on this subject of the Sub-Commissioners themselves, or of some of them. It was, however, represented to your Committee, in the correspondence with the Commissioners, set out in the Appendix (R.), that public inconvenience would have been occasioned by summoning any of the Sub-Commissioners to London at this period of the year, and your Committee in consequence abstained from doing so. Your Committee, however, feel that the inquiry, without this evidence, as well as in some other respects, is still incomplete; and in reporting the evidence already taken, they recommend the re-appointment, next Session, of the Committee, with a view to continue the inquiry.

And the Committee have directed the Minutes of Proceedings and the Evidence taken before them, up to the present time, to be laid before your Lordships.

1st August 1882.

# ORDER OF REFERENCE.

## *Die Veneris*, 24° *Februarii*, 1882.

LAND LAW (IRELAND).

*Moved*, That a Select Committee be appointed to inquire into the working of recent legislation in reference to land in Ireland, and its effect upon the condition of the country (The Viscount Hutchinson); objected to; and, after long debate, on Question, *agreed to*. Committee appointed accordingly.

---

## *Die Veneris*, 24° *Februarii*, 1882.

Land Law (Ireland): Select Committee on: *Moved*, That the Lords following be named of the Committee:

Duke of Norfolk.
Duke of Somerset.
Duke of Marlborough.
Marquess of Salisbury.
Marquess of Abercorn.
Earl of Pembroke and Montgomery.
Earl Stanhope.
Earl Clarendon.
Earl Cairns.
Viscount Hutchinson.
Lord Tyrone.
Lord Carysfort.
Lord Kenry.
Lord Penzance.
Lord Brabourne.

After debate, *agreed to:* The Committee to meet on Tuesday next, at One o'clock, and to appoint their own Chairman.

---

## *Die Lunæ*, 6° *Martii*, 1882.

The Duke of Sutherland added to the Select Committee in the room of the Earl of Clarendon.

---

## *Die Lunæ*, 13° *Martii*, 1882.

The Evidence taken before the Select Committee from time to time to be printed for the use of the Members of this House; but no copies thereof to be delivered, except to Members of the Committee, until further order.

---

## *Die Veneris*, 28° *Aprilis*, 1882.

Leave given to the Select Committee to report from time to time: First Report (with the Proceedings of the Committee) made and to be printed; Minutes of Evidence up to this time, together with an Appendix thereto, laid upon the Table, and to be delivered out.

---

## LORDS PRESENT, AND MINUTES OF PROCEEDINGS AT EACH SITTING OF THE COMMITTEE.

*Die Veneris*, 5° *Maii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Norfolk. | Earl Stanhope. |
| Marquess of Salisbury. | Viscount Hutchinson. |
| Earl of Pembroke and Montgomery. | Lord Tyrone. |
| | Lord Brabourne. |

VISCOUNT HUTCHINSON in the Chair (in the absence of the EARL CAIRNS).

Order of adjournment read.

The Proceedings of the Committee of Friday last are read.

The following Witnesses are called in, and examined, viz., Mr. *John Atkinson*, Q.C., and Mr. *William Seymour Bird* (*vide* the Evidence).

*Ordered*, That the Committee be adjourned till Friday, the 19th of May, at Twelve o'clock.

---

*Die Veneris*, 19° *Maii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Marlborough. | Earl Cairns. |
| Duke of Sutherland. | Viscount Hutchinson. |
| Marquess of Salisbury. | Lord Tyrone. |
| Earl of Pembroke and Montgomery. | Lord Carysfort. |
| Earl Stanhope. | Lord Kenry. |
| | Lord Brabourne. |

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Friday, the 5th of May, are read.

The following Witnesses are called in, and examined, viz., The Earl of *Belmore* and Mr. *Richard Adams* (*vide* the Evidence).

*Ordered*, That the Committee be adjourned till Thursday, the 15th of June, at Twelve o'clock.

---

## *Die Jovis*, 15° *Junii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Norfolk. | Earl Cairns. |
| Duke of Somerset. | Viscount Hutchinson. |
| Marquess of Salisbury. | Lord Carysfort. |
| Earl of Pembroke and Montgomery. | Lord Brabourne. |

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Friday the 19th of May are read.

The following Witnesses are called in, and examined, viz., Mr. *R. Wade Thompson* and Sir *Samuel Hayes*, Bart. (*vide* the Evidence).

*Ordered*, That the Committee be adjourned till Thursday next, at Twelve o'clock.

---

## *Die Jovis*, 22° *Junii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Somerset. | Earl Cairns. |
| Marquess of Salisbury. | Lord Tyrone. |
| Marquess of Abercorn. | Lord Carysfort. |
| Earl of Pembroke and Montgomery. | Lord Kenry. |
| | Lord Brabourne. |

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Thursday last are read.

The following Witnesses are called in, and examined, viz., Mr. *Samuel Murray Hussey*, Mr. *Arthur Fitzmaurice*, and Mr. *Forster Dunwoody* (*vide* the Evidence).

*Ordered*, That the Committee be adjourned till Tuesday next, at Twelve o'clock.

---

## *Die Martis*, 27° *Junii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Norfolk. | Marquess of Abercorn. |
| Duke of Somerset. | Earl Cairns. |
| Duke of Sutherland. | Viscount Hutchinson. |
| Marquess of Salisbury. | Lord Tyrone. |

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Thursday last are read.

The following Witnesses are called in, and examined, viz., Rev. *Robert Walsh*, Mr. *Joseph Wright*, and Mr. *Harry S. Sankey* (*vide* the Evidence).

*Ordered*, That the Committee be adjourned till Friday next, at Twelve o'clock.

---

## *Die Veneris*, 30° *Junii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Somerset. | Earl Cairns. |
| Marquess of Salisbury. | Viscount Hutchinson. |
| Marquess of Abercorn. | Lord Tyrone. |
| Earl of Pembroke and Montgomery. | Lord Carysfort. |
| | Lord Brabourne. |

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The following Witnesses are called in, and examined, viz., Mr *Henry A. Johnston*, Mr. *Alexander D. Kennedy* Mr. *S. N. Hutchins*, and Mr. *W. G. Gubbins* (*vide* the Evidence).

*Ordered*, That the Committee be adjourned till Friday next, at Twelve o'clock.

## *Die Veneris*, 7° *Julii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Somerset. | Viscount Hutchinson. |
| Marquess of Salisbury. | Lord Tyrone. |
| Marquess of Abercorn. | Lord Kenry. |
| Earl Stanhope. | Lord Brabourne. |

The LORD TYRONE in the Chair (in the absence of the EARL CAIRNS).

Order of adjournment read.

The Proceedings of the Committee of Friday last are read.

The following Witnesses are called in, and examined, viz., Colonel *John O'Callaghan*, Captain *Baptist Johnston Barton*, Mr. *Charles Henry Lloyd*, and Mr. *James Greer* (*vide* the Evidence).

*Ordered*, That the Committee be adjourned till Tuesday next, at Twelve o'clock.

## *Die Martis*, 11° *Julii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Norfolk. | Earl Cairns. |
| Duke of Somerset. | Viscount Hutchinson. |
| Marquess of Salisbury. | Lord Tyrone. |
| Marquess of Abercorn. | Lord Carysfort. |
| Earl of Pembroke and Montgomery. | Lord Kenry. |
| Earl Stanhope. | Lord Brabourne. |

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Friday last are read.

The course of Proceeding is considered.

*Ordered*, That the Committee be adjourned till Friday next, at Twelve o'clock.

## *Die Martis*, 18° *Julii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Somerset. | Lord Tyrone. |
| Marquess of Salisbury. | Lord Carysfort. |
| Earl of Pembroke and Montgomery. | Lord Brabourne. |

The LORD TYRONE in the Chair (in the absence of The EARL CAIRNS).

Order of adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The following Witnesses are called in, and examined, viz., Colonel *E. R. King-Harman* and Mr. *Vere Foster* (*vide* the Evidence).

*Ordered*, That the Committee be adjourned till Friday next, at Two o'clock.

---

## *Die Veneris*, 21° *Julii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Somerset. | Earl Stanhope. |
| Marquess of Salisbury. | Viscount Hutchinson. |
| Marquess of Abercorn. | Lord Tyrone. |
| Earl of Pembroke and Montgomery. | Lord Carysfort. |
| | Lord Brabourne. |

LORD TYRONE in the Chair (in the absence of The EARL CAIRNS).

Order of adjournment read.

The Proceedings of the Committee of Tuesday are read.

The following Witness is called in, and Examined, viz., Mr. *James H. Tuke* (*vide* the Evidence).

*Ordered*, That the Committee be adjourned till Tuesday the 1st of August, at Twelve o'clock.

---

## *Die Martis*, 1° *Augusti*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of Norfolk. | Earl Stanhope. |
| Duke of Somerset. | Earl Cairns. |
| Marquess of Salisbury. | Viscount Hutchinson. |
| Earl of Pembroke and Montgomery. | Lord Carysfort. |
| | Lord Brabourne. |

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Friday last are read.

A DRAFT REPORT is laid before the Committee by the Chairman, and is *agreed to* (*vide* the Report).

*Ordered*, That the Lord in the Chair do make the said Report to the House.

---

# MINUTES OF EVIDENCE.

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# *Die Veneris, 5° Maii,* 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of NORFOLK. | Earl STANHOPE. |
| Marquess of SALISBURY. | Viscount HUTCHINSON. |
| Earl of PEMBROKE and MONTGOMERY. | Lord TYRONE. |
| | Lord BRABOURNE. |

VISCOUNT HUTCHINSON, IN THE CHAIR.

---

MR. JOHN ATKINSON, Q.C., is called in; and Examined, as follows:

4468. *Chairman.*] I THINK you have been engaged in the landlord's interest in several cases before the Sub-Commissioners, have you not?
Yes, in the counties of Limerick and Clare.

4469. More than one Sub-Commission?
No, only the one Sub-Commission.

4470. Which of them were you engaged before?
No. 13. It is composed of Messrs. Reeves, O'Keefe, and Price.

4471. I believe you have also been engaged before the Chief Commissioners upon appeals?
No, not upon appeals. I have been engaged before them on applications to set aside leases under the 21st section of the Act. I was elsewhere engaged, and unable to attend, when the appeals from these counties were heard. The cases that I was concerned in were heard in the Courts of First Instance.

4472. Can you tell the Committee what has been the general effect of the decisions of the Sub-Commissioners upon rents?
I only speak of the cases in which I was personally engaged, and in those I think the general result would be a reduction of about 20 per cent. to 25 per cent.

4473. And that would be upon all classes of rents, I suppose?
Yes, some on large farms and some on small farms, some well-cultivated farms and some ill-cultivated farms; but the general result would be a reduction of from 20 to 25 per cent.

4474. And upon rents, I suppose, that have been fixed and paid for a considerable period?
Yes; I never observed that the antiquity of the rent, if I may use the expression, was very much regarded.

4475. We have had it in evidence on several occasions that the procedure and practice of the Court, as regards the hearing of cases, has not given entire satisfaction; is that your experience?
Yes, certainly. If the practice were designed for the purpose, I do not think that it could be more adapted than it is at present to take the landlord by surprise, and put him at a disadvantage; that disadvantage arises from his being in utter ignorance of the particulars upon which the applicant relies to have his rent reduced.

4476. As we understand, the originating notice is the only document given to him?

That is the only document. The landlord knows nothing of the grounds upon which the application is made, and nothing of the proof which will be brought forward to establish it. He is under this difficulty also, that being in ignorance of those facts when he sends his valuators to look at a farm, they do not know what to look at. They have nothing to guide them.

4477. We will suppose a certain value to be come to by the valuators, and that it is arrived at in this imperfect manner as you think; do you find that when tendered as evidence it enters very much as an element into the decision of the Court?

That is more a matter of speculation than anything else, because in my experience the Sub-Commissioners never state what their own valuation is, but as far as I can form an opinion, I think that they rely very much upon their own valuations, and I think that that is necessarily so from their inexperience in all judicial investigation. They naturally fall back upon the art they feel themselves strong in.

4478. Would you make any suggestion as to the way in which you think that state of things might be ameliorated?

I think that the proceedings should be initiated by some form of notice which would give ample particulars to the landlord, such, for instance, as the notice of claims under the Act of 1870, which gave the date and the nature of the improvement. I think also it would be well (inasmuch as under the decision in Adams *v.* Dunseath, the tenant never can get more for improvements than the original cost, as I understand it) that the tenant should disclose upon the face of the notice the cost of construction originally, the date at which the improvement was constructed, its present condition, and the value that he himself put upon it. Then that would enable the landlord to send his valuator to investigate these different items, and fix upon those he intended to dispute, in whole or in part; that would narrow the subject of inquiry, and avoid, or render unnecessary, the expense of one party coming to uphold items that the other party did not intend to dispute; it would also prevent the landlord being left at large in the investigation of things that were not intended to be relied upon.

4479. As a matter of fact the landlord has never been absolutely without the power of applying for particulars, has he?

No, he never has. The Commissioners have made no rule whatever requiring particulars to be given in the first instance; neither I believe until very recently have they made a rule regulating any form of practice or procedure by which particulars can be obtained; but I understand that a practice has grown up in the office, whereby the landlord may upon motion made upon affidavit, to the effect that he cannot defend himself properly without being supplied with particulars, get an order upon the tenant to supply them. I believe that that is confined to holdings that are valued at more than 12 *l.*; but I never could understand why that limit should be made.

4480. Lord *Brabourne.*] Has there not been a rule made upon that point since the sittings of this Committee commenced?

I believe there has recently.

4481. *Chairman.*] The application of that rule carries costs, I suppose, does it not?

I do not think the landlord would get costs, for this reason, that there is no duty upon the applicant to furnish particulars in the first instance, and therefore he is in no default. I have never known that the applicant has been visited with costs for refusing to furnish them.

4482. Lord *Tyrone.*] But under the new rule it would be otherwise, would it not?

It would.

4483. Under the new rule you would anticipate that costs would be given to the landlord?

If the tenant refused to give the particulars I should. I presume what would be done would be that a preliminary application would be made out of Court to furnish the particulars, and then if the tenant refused or omitted to do so a motion would be made for an order that he should be compelled to do so, and I apprehend he would have to pay the costs of that application, inasmuch as he had not complied with the request.

4484. Do you think that that is the best way to meet the difficulty?

No, I do not. I think it would be a good deal better to compel the applicant in the first instance to disclose the grounds on which he claims to have his rent reduced.

4485. Why so?

In the first place it would save an immense deal of time. In the next place it would enable the landlord at once, without this expense, to investigate the case and decide upon what items, if any, he would dispute. For instance, if a house were put down, say at the cost of 100 *l.*, if the landlord thought that that was probably a few pounds too high, it would not be worth his while to get a skilled valuator to go and value it; he might admit that item. Then I think also, if there were a change made in the tribunal, and a valuator appointed to assist the Court, and not as a judge, it would be a great deal better for him to have before him when he visited the farm the claim of the applicant, setting forth all the particulars, and that of the landlord on the other side disputing the particulars; he would then be able to pay more attention to those items and give more assistance to the Court.

4486. Do you think there would be any hardship upon the tenant in compelling him to give that information on the originating notice?

I do not think there would be any hardship whatever. There would be ample powers, of course, in the Court in all cases, to prevent anything in the nature of surprise. The tenant was obliged to give the information under the Act of 1870, and inasmuch as the dates at which the improvements were made must be pretty fairly within his knowledge, there would be no difficulty.

4487. Lord *Brabourne.*] If the tenant has honestly expended money and made improvements, there can be no very great difficulty in stating them, you think?

I think so. There might be one difficulty with regard to the cost of construction. These men, of course, do not keep a detailed account of the expense to which they have been put in making any particular building, but they could have no difficulty whatever in placing the value upon it which they propose to substantiate.

4488. On the other hand, if the tenant was intending to make a claim which could not be honestly supported, the necessity of furnishing such particulars would be a great check upon him, would it not?

It would be a great check upon him.

4489. Lord *Tyrone.*] With regard to what you said just now about tenants under 12 *l.*, are you aware of any alteration under the new rule?

The practice was limited before the rule was published; I do not know whether the new rule extends it.

4490. It extends to 10 *l.* under the new rule, not to 12 *l.*?

I place no limit whatever upon it.

4491. Is there any possible reason why tenants under 10 *l.* should not at any rate be obliged to give the same information as those over that amount?

I cannot understand it all; I think it would be more necessary that it should be given, and for this reason, that a large tenant's improvements are large things, and can scarcely escape the landlord's observation. The small tenant's

improvements are petty things that the landlord knows nothing of except what the tenant chooses to tell.

4492. As regards a man whose holding is under 10 *l.*, I understand you to say it would be even more important that he should give that information?

I think so, for the reason that his improvement (if any) would be of a small and trifling nature, and not such as would be likely to attract the landlord's attention at the time they were constructed. The only objection I can conceive to it is the cost, but the question of cost would be very trifling.

4493. *Chairman.*] There is one important point which arises out of that; you may have alluded to it, but I do not think you went into it all; under the decision of the Court of Appeal in the case of Adams *v.* Dunseath, it has been held that compensation for improvements would not go back beyond a certain date; in other words, that improvements executed before a certain time are not to be counted; is not that so?

I do not know about that. As I understand Adams *v.* Dunseath, it applies Sections 4 and 5 of the Act of 1870, to Section 8, Sub-section 9 of the Act of 1881. The result of that would be that as to all improvements made previous to 1870, enjoyment would be taken into account to diminish the sum which the tenant would be entitled to receive for compensation if he were about to quit voluntarily, or to be disturbed. As to all improvements subsequent to that time, of course enjoyment is not in itself a matter of compensation, or to be taken into account in reduction of the tenant's claim, but Adams *v.* Dunseath does not at all decide that, under certain circumstances, the permission to continue in the enjoyment of an improvement under a tenure, which the landlord could have interrupted, may not be compensation by the landlord, within Sub-section 9 of Section 8. It did decide practically, I think, that where the tenant held under a tenure which could not be interrupted by the landlord, such as a lease, the enjoyment of his own improvements under that tenure by the tenant was not dependent in any way upon the landlord's will, and was not compensation by him in any way within Sub-section 9 of Section 8.

4494. But even putting that rather more limited interpretation upon it than I did, the fact remains that it is very important that the date at which the improvements were made should be known for the purposes of the Act, does it not?

Certainly there may have been changes in the intervals, and transactions may have taken place which would make the permission to continue compensation by the landlord within the meaning of that section. I should also say that the date of construction should be ascertained for the purpose of ascertaining the cost which varies very much, and for the purpose of ascertaining the present value, because improvements have a natural life like everything else, and they do not improve by age.

4495. I suppose a considerable number of the cases in which you have been engaged before the Sub-Commissioners were appealed subsequently?

Yes, there have been appeals in some of them. I am not prepared to state exactly the proportion of appeals, but there were appeals in a great many of them.

4496. You did not appear in the appeal cases, did you?

No; I was engaged elsewhere at the time the appeals were heard.

4497. Did those appeal cases come under your notice in any way subsequently?

Yes; I think in most of the cases the appeals were successful; some of them were not.

4498. Earl of *Pembroke and Montgomery.*] You tell us that in most of the cases in which you have been concerned before the Sub-Commission the rents were valued at an average of about 25 per cent. reduction?

Twenty per cent. to 25 per cent.; that is the average on the whole.

4499. On

4499. On most of those holdings on which the rent was so reduced, were the tenants' improvements of any considerable value?
Some of them were, and some of them were not.

4500. Do you think that on an average they were of sufficient value to account for such a reduction as 25 per cent.?
Certainly not.

4501. You think that they were not in themselves sufficient to account for that reduction?
Unquestionably not.

4502. Then the reduction was not made, at any rate not the whole of it, on the ground of the tenants' improvements, but more particularly as a deduction from the rent of the land?
That is a conclusion of my own that I draw; I am not able to state that positively, for the reason that the Commissioners never give the grounds of their decisions.

4503. You do not think they are looking at the value of the improvements?
Certainly. The conclusion I would draw from hearing the evidence, and from the decision, is, that they were reductions on the ground that the rent was too high, apart altogether from the value of improvements.

4504. Lord *Brabourne.*] Were you able to detect any principle of action which guided the Sub-Commissioners in their decisions?
No, I cannot say that I was. I think myself that the inquiry naturally divides itself into three branches; first of all, what is the letting value of the land as it is; next, what are the tenant's improvements and their present value; and, thirdly, the amount of deduction that ought to be made in respect of them; and I think that every decision ought to clearly show the conclusion they have come to upon these three different heads.

4505. Do you think that it is possible to obtain the real value of land unless you import into it this element, the number of people that may be willing to hire it, and the price which competition would place upon it?
I do not think it is possible. I think that you always have competition in the background, because if you do not fix the rent by the competition for the land, you must fix the rent by the produce of the land which again depends upon the competition value of the produce, so that there will be always competition in the background, however it may endeavour to put it at a distance. If you estimate the value of the land by the number of dairy cows that it will feed, as they do in the South of Ireland, and place a value upon it, that after all depends upon the value of butter which, itself, is regulated by competition to some extent.

4506. After a judicial rent has been fixed, is there anything in the Act which prevents a tenant from sub-letting?
Yes, he cannot sub-let. That is one of the conditions under Section 5.

4507. *Chairman.*] In any cases before the Sub-Commissioners in which you acted, did you ever ask to have the specified value of the tenancy fixed?
Frequently.

4508. Did you discover any principle on the part of the Sub-Commissioners in fixing that?
No principle was ever announced, and the only conclusion I could come to was from the amounts fixed. Generally my experience has been that the specified value was the improvements plus from four to five years' purchase of the judicial rent.

4509. That is in parts of Ireland where tenant right had not previously existed, is it not?
I have no experience of any part of Ireland where tenant right or any analagous custom prevails.

4510. Earl of *Pembroke and Montgomery.*] How many years' purchase of the judicial rent did it amount to in all?

I should think from four to seven years.

4511. Do you happen to know whether the tenants, whose holdings were so valued, were satisfied?

I am quite sure the market value of their holdings, if sold, and things allowed to take their ordinary course, would be a great deal more than that. I have no doubt that the specified value is always lower than what the tenants' interest would fetch in the open market if free sale were permitted, and, of course, there is a protection to the landlord to that extent.

4512. Lord *Brabourne.*] The landlord has a right to pre-emption, has he not?

Yes; he has a right of pre-emption at the figure so fixed.

4513. Supposing he does not exercise that right of pre-emption, is there anything to prevent the tenant practically getting an open market in competition?

Nothing; it is provided for by the Act of Parliament to secure the landlord his right of pre-emption, as I understand.

4514. Does it not frequently happen that the landlord is unable to exercise that right of pre-emption?

That is a matter for the future; up to this time, I daresay there has been hardly a case where there has been any sale of a tenant's interest.

4515. Are you speaking now from knowledge or supposition; I ask now, because we have had evidence to the contrary?

I am not speaking from knowledge, but the time at present has been very short.

4516. Do you mean to say that the right of pre-emption has been generally exercised?

No; I am not aware of any case in which the right of pre-emption has been exercised.

4517. Then you cannot give us any evidence upon it, one way or the other?

No; I cannot give the Committee any assistance as to that.

4518. *Chairman.*] With regard to the constitution of the Court, we all know very well that it is composed of one legal member and two lay members?

Yes.

4519. It is natural to suppose that the legal member is there merely to decide upon points of law, is it not?

I do not know whether there is any rule or any practice regulating the part which they are to take in the decision. I am not aware that there is any. As far as I have ever heard or know, they are all co-ordinate members of the Court, all having equal powers. Possibly, in practice, the two agriculturists may defer to the opinion of the legal member on a matter of law, but I do not know that they are in any way bound to do so.

4520. I suppose a great deal of the time of the Court is taken up in visiting farms, is it not?

My experience was that in Clare, where the farms of the applicants were situated at long distances from the place of hearing, half the time of the Court was taken up in visiting farms. In Limerick, where the farms lay nearer to the place of hearing, probably not more than a third of the time was occupied in visiting farms.

4521. We have had it in evidence upon various occasions that the number of cases sent down to a district for trial at one time is about 50. I mean cases listed by the Commission in Dublin, and that of those 50 cases, from 18 to 25 may be disposed of during the sittings; in those 25 cases, which may relate to farms

farms lying either all together, or to farms very largely distributed over the country, the time of the Sub-Commissioners must be very much taken up in examining the holdings, must it not?

Yes; fully half the time.

4522. Do you suppose that in the fortnight during which a Sub-Commission generally sits at a place, there is time enough to hear the cases in Court, and at the same time to make a satisfactory inspection of the land?

That depends entirely on where the holdings are situated. Of course, if situated far from the place of hearing, it is quite impossible. My experience was confined to the winter months, when there were only four or five hours a day in which they could value farms.

4523. This is practically a re-valuation of land in Ireland, conducted under very inconvenient circumstances, and with very little possibility of making a perfect one, is it not?

Yes; I think it is rather haphazard.

4524. Earl of *Pembroke and Montgomery.*] In those cases where they had not time or opportunity to visit the farms themselves, did not they employ a valuer to do it for them?

Only in two cases in which I was concerned did they employ a valuer. One was certainly a case in which they had not time to visit the farm and examine it properly. In another case an independent valuator was appointed, not so much for that reason, as, because of the great discrepancy there was between the evidence of landlord and tenant as to the value of the farm.

4525. *Chairman.*] Have you been before the county court judge at all in these cases?

No. I should wish before leaving the matter of inspection to say that I think it is extremely unsatisfactory to the litigants as at present conducted. When the members of the Court do visit the farms (not for the purpose of correcting the evidence I think, but for the purpose of making an independent valuation; indeed, they have so announced in cases in which I have been concerned myself), I think their report should be disclosed to the litigant parties, because to a certain extent it is evidence which they give to their brother member of the Court, the legal Commissioner, and although of course you never can insist upon a judge giving his reasons for the decision he comes to, you can fairly insist that all the evidence upon which the decision is founded should be before the public; and I think it is the very gravest defect, and one that will always cause the decisions, however just in themselves, and however able the experts may be, to be looked upon with suspicion, from the fact that the conclusions they themselves draw as to value, and which they tell him are not stated in open Court. Two members of the Court, who are both judges and witnesses, give their evidence to the third member, and he is in this anomalous position, that if he does not agree with them as to the value to be attached to their own testimony they can overrule him. It is perfectly possible that the legal Commissioner might think from the circumstances of the case that the landlord's valuer put the proper value upon the holding, while his two brethren might fix it at half that value, and could, if they chose, give a decision reducing it to half.

4526. Earl of *Pembroke and Montgomery.*] That would surely be a point on which the legal Commissioner's decision would not be of any very great value, would it not?

I do not say that it would, but I think the great object would be to have that evidence disclosed.

4527. *Chairman.*] How could you deal with it even if it was disclosed; you could not cross-examine the Sub-Commissioners?

Not while he is a Commissioner; but I think it is an anomalous position altogether to put any member of any tribunal in, that is, to make him judge and witness at the same time, and he is practically that, *quoad* a third member. I know there are tribunals which call in the assistance of assessors with special knowledge

upon the particular matter before the Court, but I have always understood that they decided upon the evidence given to the Court by witnesses, and not upon the conclusions they form themselves from examining matters outside Court.

4528. Earl of *Pembroke and Montgomery.*] You would prefer, in fact, to have one judicial Commissioner, assisted by a couple of assessors, who would be witnesses and would be examined in the witness box?

Certainly, I think a judge should be a judge, and a witness a witness, and that the two functions cannot be combined with advantage to the suitor.

4529. Would not this difficulty arise from that, that somebody else would be required to advise the judicial Commissioner on matters connected with the land; he would be unable to estimate the value of their evidence, would he not?

No; in all judicial tribunals it does not require that the judge should be an expert in the particular matter tried before him. For instance, in an action for breach of warranty of a horse, you do not require to have that tried by a number of veterinary surgeons. The judge and jury listen to the evidence of experts, and are supposed to be able to come to a satisfactory conclusion upon that; and there would be this difference also, that while in ordinary tribunals you have only the evidence of partisan witnesses on each side, I mean witnesses put forward by the different parties, in this tribunal, if these men were examined, not being judges at all, you would have two independent witnesses, which you never have in any ordinary investigation. Many of these are able, intelligent, and impartial men, and my experience of the profession is that an intelligent and competent and skilled witness always improves under cross-examination, and acquires a character by reason of which people attach infinitely more importance to his evidence. If he does not deserve that confidence it is very soon found out.

4530. *Chairman.*] But that particular form of tribunal which is suggested by Lord Pembroke would be secured if the county court were more made use of, would it not?

Yes, to some extent; but I am not aware that any expert who is called in by the county court judge to assist him gives evidence on the witness table; I rather think he reports. Still it is a step in the right direction. When the Commissioners employ an expert to assist them, he is not examined as a witness, but his report is disclosed; he does not take any part in the decision.

4531. Do you think that it is an inconvenient practice to disclose that report?

I think he ought to be examined. I do not understand a proceeding of that kind. I think if he is a witness at all, and his evidence is to be acted upon, he ought to be tested by cross-examination, otherwise you will have people indulging in a number of vain speculations as to his reason for reporting in any particular way; whereas if the man were there himself, he would state his reasons, and if they were good ones they would be acted upon, and if they were bad ones they would be rejected.

4532. As we understand it, the procedure was this: at the close of an appeal case the reports of the valuators are handed to counsel, and counsel has the right to comment upon them, but nothing more?

I know nothing more of the actual proceedings on appeal than I know from the public prints.

4533. We have it in evidence that it is so; but does it not appear to you that it might be an extremely inconvenient practice in the view that when the case is entirely closed something might be found in the valuator's report which had escaped one of the parties, or that one of the parties did not desire to bring forward, and which would then be suddenly sprung upon the other party?

It is most inconvenient; nothing could be more inconvenient for that very reason. If you had the experts report before you at the time you were examining your own witness, you could examine them as to some of the conclusions

conclusions contained in it. The expert gives a reason for fixing the value of a building on a farm at a certain amount; you could ask your own valuer did he agree with that, or did he put any value upon it, but the opportunity is gone when the expert's report is only disclosed at the end of the investigation. There is, of course, this additional advantage in removing the two experts from the judgment-seat, and making them witnesses, that the Court could work continuously, just as the Court of Appeal does. While the permanent member was sitting and hearing evidence, the others could be out examining the farms, and could come in and give their evidence in two or three cases.

4534. Earl of *Pembroke and Montgomery.*] Have you any idea what the objections are to the proposal; I suppose you know that the proposal you speak of has been mooted by a good many people?

There have been proposals to have them act as assessors, I understand, but not to be examined.

4535. You do not know what the objections to forming the Sub-Commission Courts on that principle would be?

I do not know, but I presume the objection would be this, that the legal member of the Court, not being an expert, not being a judge of land himself, would not be able to come to a correct conclusion as to the value of land upon the evidence given before him, but I do not at all agree in that; I think it is opposed altogether to all our notions of judicial tribunals.

4536. Lord *Tyrone.*] Were the county court judges, judges of the value of land in the past?

No.

4537. Have they not at this moment got almost the same functions to perform?

They have; that is a peculiarity of the thing. They have got almost the same functions to perform as the member of this court would have after the changes I suggest. There is another matter which I wish to mention, and it is this; I think that those experts when used as witnesses ought to send in a little report when they had viewed the farm and contrasted the claim of the tenant with the dispute of the landlord. If that were done, I have no doubt that in many cases, when it was seen by the litigant parties, they would agree upon the terms of it. I do not wish to mention any name, but there is one gentleman in the North of Ireland who, I understand, has given evidence in many cases, and where his valuations have been almost acquiesced in by both sides.

4538. *Chairman.*] I understand from you that a great many of the cases in which you were engaged before the Sub-Commission were appealed against?

Yes, some of them.

4539. I suppose you were consulted upon the subject?

I advised the appeals myself.

4540. On what grounds did you advise an appeal; had you any data to go upon?

It was more or less guess work. I have been consulted by landlords since, and it is extremely hard to advise a compromise or a proposal to a tenant, or to advise an appeal, because you do not know the grounds upon which the Commissioners arrive at their conclusions.

4541. In fact there are no grounds stated?

No; for instance, if they stated they found a farm worth a rent of 100 *l.* a year, and the tenant's improvement worth 100 *l.*, that they reduced the amount 20 *l.* a year on foot of these improvements, I think that that would be clearly wrong, and I would have no hesitation in advising an appeal in that case. But they do not do that. They merely say instead of the rent, as it was before, was too high, we fix the rent at 80 *l.* a year now. I do not know whether that is because they think that the land is not worth the rent, or that the improvements are worth more than 100*l.*, or that a very large deduction should be made from the rent in respect of them.

4542. Lord *Tyrone.*] Is it possible for you, as one of counsel for the landlord, to tell whether the Sub-Commissioners are carrying out the rulings in the case of Adams *v.* Dunseath?

No, not unless they state the basis upon which they are acting.

4543. Therefore, you and other counsel acting for the landlords have no way of being informed whether the Sub-Commissioners are carrying out the rules laid down?

No, in those cases in which I myself was concerned, the Commission I was before acted upon part of the decision in Adams *v.* Dunseath by anticipation, and where there was a new tenancy or a lease created, or anything of that kind, they disallowed the improvement altogether, and so announced; but unless they do announce it (and the cases in which they do so are not many) you have no means of knowing. Their general rule is not to state the basis upon which they arrive at any conclusion of the price they adopt.

4544. We do not as a rule go into the merits of particular cases, but I should like to know what the case was where that ruling was made by anticipation?

I could not specify any particular case; it was made in several.

4545. By that one Sub-Commission, do you mean?

By that one Sub-Commission. I have no actual experience but in connection with that one.

4546. You have not heard of any similar rulings by other Sub-Commissions have you?

I have heard of different rulings, some of them anticipating it, and some of them not anticipating it.

4547. In fact there is a variation of principle in the matter?

Yes, it might be expected that so many men would hardly agree in the same view.

4548. And practically there is no record of the Court that you can go to to discover the principle?

No. That has, I believe, been modified lately, but it was an obvious and very grave defect, and opened the door to very great fraud. If there was no record kept of an improvement on the basis of which a reduction was made, there was nothing to prevent a fraudulent tenant 15 years hence alleging that the improvements found then upon the land were made since the fixing of the judicial rent. It is very hard to procure evidence as to what occurred 15 years ago, and if the judicial rent were fixed in 1882, and the tenant had built a house in the previous year, 15 years hence he might fraudulently post date the erection of that house three or four months, so as to make it the basis of a second reduction.

4549. How has that been obviated now?

If particulars are furnished, that would obviate it.

4550. Still there is no record in Court?

There is no record in Court, but I understand they are to carry out that by embodying in the order made the improvements that they find the tenant has made, and if they do that of course it will obviate it. That decree would be recorded and kept, and the landlord would have the means of ascertaining the improvements in that case.

4551. Have you considered the effects of recent legislation upon the purchase clauses?

I know nothing practically about it.

4552. You have not considered what the position of the tenant is as regards his anxiety to buy his farm at the present moment?

As far as one can form an opinion from some knowledge of Ireland, I do not think the tenant will buy his farm, unless he can buy it on such terms as will not increase the annual outgoings. Now that he has got perfect security, I do

do not believe that he will ever purchase, if it involves an increase in his annual expenses.

4553. We have heard a good deal about the block in the Land Courts, and the impossibility of the Court getting through the fixing of the fair rent business which it is called upon to do now; and it is to be hoped that in time the operation of the selling clauses will become larger; do you look upon the Land Court as sufficient to bear the two duties, involved in the fair rent, and the purchases' clauses?

I understand it is proposed to ascertain the judicial rent before the purchase clauses are brought into operation upon a particular farm. I think the Land Court will have quite enough to do to fix the judicial rent for a considerable time to come.

4554. You would not look upon it as exactly fair to all parties that the Court, which has to carry out any proceedings under the selling clauses, should have to decide, except for purposes of security, upon what the actual value of the interest sold was?

No; I think it would be entirely unnecessary to ascertain the value in cases where judicial rents had been fixed. My idea is this: I understand that there is now a sort of enforced partnership between landlord and tenant in every farm, the landlord having an interest, and the tenant having an interest. If the tenant buys up the landlord's interest he is then possessed of the entire partnership property, and that partnership property should be, and always will be, ample security for the purchase money of the landlord's share of it. I think, even if you take the specified value as the test, if it amount to five years' purchase of the judicial rent, as it does, that would be a fifth of the entire property, and after the purchase, there would be a margin of a fifth to cover the Government advance. For instance, if the value of the entire farm were 250 *l.*; if the landlord's share were 200 *l.*, and the tenant's 50 *l.*, then the Government, I think, might safely advance 200 *l.*, because they would have the security of a farm worth 250 *l.*; and I think it would be unnecessary to ascertain the values at all, or the value of each share. Where judicial rents had been fixed, a fixed number of years' purchase of the judicial rent could be paid to the landlord.

4555. The actual fixing of the price would not be a matter which, in your opinion, ought to be undertaken by that tribunal?

Do you mean the price of the purchase of the landlord's interest?

4556. The price of the purchase of the landlord's interest?

It would be better probably to have a different tribunal where judicial rents had not been fixed, but I think it would be unnecessary in the latter; and it would cost a great deal.

4557. With regard to the purchase clauses, you have seen a great deal of the effect of this Act upon the landlords generally throughout the South of Ireland, have you not?

Yes.

4558. Do you think it is possible that things can go on with the relations of andlord and tenant as they are at present?

I can only form an opinion on it. My idea is that rents will always be insecure; at all events, rents paid to the present class of landlords.

4559. Do you think the position of joint ownership is a tenable position?

I do not, because I think that no matter how small the amount of the rent, the purchase-money of the tenant-right will be so high that the permanent rent will always be a burden if times should become bad, and I think there will always be a tendency to shake it off.

4560. Lord *Brabourne.*] Does not the fixing of the judicial rent practically increase *pro tanto* the value of the tenant-right?

Certainly.

4561. Earl of *Pembroke and Montgomery.*] As soon as the property changes hands it will become a competition rent once more, will it not?

Certainly.

4562. Lord *Tyrone.*] I suppose under these circumstances you think it would be absolutely necessary that something should be done?

Yes, I think it is absolutely necessary that something should be done. I think it is an anomalous condition of things altogether as it stands at present.

4563. And from the evidence which you gave to the noble Lord in the Chair, you seemed to suggest that your belief was that the amendment of the purchase clauses would be the best way out of the difficulty?

I think so, certainly.

4564. With regard to some previous evidence of yours, in cases in which you were concerned for the landlord, were any rents reduced which had been paid for a great number of years?

Yes, several.

4565. Did you, acting for the landlord, point that out as a reason why they should not be reduced?

Certainly. For instance, I will give you one illustration. I only speak from memory now, but I think my memory is pretty accurate upon the subject. A man held a farm, I think from the year 1840 down to the year 1850. The rent was then reduced 3 *l.* or 4 *l.* He continued to pay the abated rent down to the date of his application. He had bought four additional farms, for which he paid 1,000 *l.*, and the only money he ever admitted himself to have borrowed or obtained in any way was a sum of 300 *l.*, so that he was then owner of four farms, and must have made in some way 700 *l.* I pressed this upon the Court as worth more than the evidence of a hundred valuators as showing that the farm could not have been too high, inasmuch as the man lived and maintained his family, and was able to better his condition in life in this way. Notwithstanding that, his rent was reduced.

4566. Was it seriously reduced?

No; that was the case of Blake *v.* Lord Clarina; the rent of that farm was a couple of shillings an acre higher than the surrounding farms; when the brother of the landlord was examined on his behalf, he said that probably it was a couple of shillings an acre too high, and it may have been upon that ground that the Commissioners reduced it. Still the fact remains that all the history of the case, and the way the man had progressed in the world, showed that the rent of the farm could not have been too high.

4567. Lord *Brabourne.*] Is that the amount by which they reduced it; a couple of shillings per acre?

Yes, I think so.

4568. In that case, you could detect an actual principle; that is to say, that they put it at the rate at which the surrounding farms were let?

No, I think they simply adopted the value put upon it by the landlord's brother; I believe in the result it was so.

4569. Lord *Tyrone.*] With regard to the question of landlord's valuation, have you found that where the landlord's valuators have put a low value on the land, the Sub-Commissioners have accepted the value as in the case you mentioned?

I think not; where the landlord's valuator puts a value upon the land, less than the rent, the conclusion I come to is that they almost always take that as a terminus to start from on their downward course; they scarcely ever fix a higher value, and they generally fix a much lower one.

4570. Have you noticed that the landlord's valuators have very much altered in the form of the valuations they have put in since the commencement?

I think a great many of the landlord's valuators come forward and give their evidence under extremely painful conditions. I believe that many of the landlords thought that the valuation of an ordinary expert was of very little good, and that they should have the valuation of practical farmers. I need

scarcely

scarcely say that, in the present condition of things in Ireland, if you get a practical farmer to come forward and give evidence, and he gives evidence in favour of the landlord, he is in an extremely uncomfortable position.

4571. In fact he is in almost a dangerous position, is he not?
He is in almost a dangerous position. I am aware, myself, of this, and it is a matter that occurred a very few days ago; a valuer was examined in Clare some time since, on behalf of tenants; he was examined lately on behalf of a landlord, some of whose rents have been reduced; his valuation was more or less disregarded by the Commissioners, and he was obliged to have police protection the next day.

4572. With regard to my former question, do you find that the landlord's valuators are not putting in as high valuations as they were at the beginning of the sittings of these Courts?
I cannot say that; I think there was a tendency at first, almost an unconscious one, not so much to make a valuation really of the farm, or what they thought was the fair letting value of it, as to make a kind of benevolent award between landlord and tenant, and there seemed to have been a general impression that rents should be reduced; they valued very tenderly at first. I rather think that in recent times the valuation has been better.

4573. You think it has been nearer approaching the value?
Yes, nearer approaching the value.

4574. And do you think that the valuers have been taking judicial decisions as a basis for their valuations, or the original fair letting value of the land when it was let by competition?
I do not think that they are taking the judicial decisions as a basis, nor do I think that they are taking the competition value on a basis. I think that they endeavour to fix the value according to their idea of the produce, that is, the capacity of the farm. I think it seems to be understood by every person now that you are not to ask the competition rent.

4575. With regard to the time occupied by the Sub-Commissioners, has it not been a serious drawback to the landlord's interest that many of the cases that were listed for a particular sitting have not come on for hearing?
Of course both parties are obliged to go to the expense of being ready. I am aware that the landlords have to pay a good deal to their valuers, and I presume tenants have to do so too in order to be ready; and it is, of course, a great expense to them to have all their witnesses there and not to proceed. As to the ultimate result of the delay, I am not sure that the landlords objected to that, inasmuch as they may have thought that things might have been better, and that they could not be very much worse.

4576. Is it not the case that a great deal of the time of the Court is occupied in visiting farms?
Of course it is; they only hear evidence about half their time.

4577. I think just now you said that the costs in certain cases, or in many cases to begin with, were given against the landlords?
Not by the Commission which I was before. In some cases they gave them, but not latterly, unless there was a *bonâ fide* attempt made outside to settle by the tenant, a reasonable proposal made, and an unreasonable refusal. Many of the things I have said are conclusions I have drawn from what occurred, and may misrepresent what was in the minds of the Commissioners, but inasmuch as they never stated what was passing in their minds, I was left to draw my own conclusions, and could do no more.

4578. Have you had cases in which the acreage put in by the tenant has been incorrect?
Yes, many of them.

4579. How has that been ascertained ?
The acreage is put down at statute measure from the ordnance valuation or the rate book, I think.

4580. But where the statement is incorrect, how is it corrected ?
Very often the tenant procures a survey himself; very often the landlord procures a survey. It is very objectionable that it should be erroneous, because very often many of the calculations are based upon it.

4581. The landlords' valuer may possibly base his valuation upon it, may he not ?
Very frequently he does.

4582. And if the acreage was incorrect, it might be possible that the tenant's valuer might not have seen some of the best fields on the holding ?
It might possibly be so.

4583. Do you think it would be an improvement if the tenant had to state upon the originating notice in respect of what improvements he wished to have a reduction in his rent made ?
Certainly it would be an improvement to give the landlord information to enable him to investigate the improvements and prepare to meet the case of the tenant to admit such as he thought were fairly put forward, and dispute wholly or in part those which he thought were not fairly put forward; first of all not to oblige the tenant to prove a case not meant to be refuted, and next to avoid the necessity of being armed at all points when some claims might not be seriously put forward.

4584. Have you in any of the cases you have been engaged in come upon one in which the tenant has deteriorated his holding ?
Several.

4585. What was the proceeding of the Sub-Commission with regard to those cases ?
I will tell you the proceedings with regard to one of the cases. I pressed them very much that in a case where a tenant has deteriorated his holding, he should get no relief, inasmuch as his conduct has been unreasonable in regard to the fixing of a fair rent. The landlord is entitled to get a fair rent for the thing demised, as it was. If the tenant has so deteriorated it that it is impossible to arrive at any conclusion as to what the thing demised originally was, it practically puts out of the power of the Court to fix a fair rent for the thing demised, and under those circumstances I think he should get no relief at all. They have never acceded to that, and I do not know what basis they have gone upon. In one case, Enright *v.* Ryan, which was the first tried in Limerick, the land had been meadowed consecutively, I think, for a period of 30 years, which I believe, according to all practical knowledge, must have deteriorated the land. The tenant was a wealthy man; the land had been only used as a kind of accommodation land to an hotel situated at some distance from it. I pressed them very much to refuse to fix a judicial rent in that case at all, inasmuch as they could not do it without injustice to the landlord; they refused to accede to that, and did fix the rent, reducing it from 19 *l.* (at which it originally was) to 9 *l.* That decision was subsequently reversed by the Chief Commissioners, and I believe upon appeal the rent was fixed at 16 *l.* I am not aware by what conceivable process they could have arrived at the conclusion, that the 9 *l.* was the value of the place.

4586. That was upon a form which had been distinctly deteriorated, as I understand ?
It was a small holding of two or three acres of land, situated within four miles of the City of Limerick, held by an hotel keeper; he lived in Castle Connell, and the land was used merely for the purpose of getting grass and hay for his horses.

4587. Lord *Brabourne.*] That would look as if they had taken into account the deterioration of the land, without taking into account by whom it had been deteriorated, would it not?

It would appear so. They merely fixed the value apparently as it was.

4588. We were told in evidence that when a farm has been deteriorated by the act of the tenant the Commissioners take that into account, and cause him to suffer for it in fixing the rent. Have you any cases in which such a course of proceeding has been pursued, to your knowledge?

I think there are some cases, certainly, where the tenant had deteriorated the property, and probably they fixed the rent a little higher than they would have fixed it had it been deteriorated by somebody else.

4589. Supposing tenants had improved it, what course would they take?

The Commission that I was before never announced very clearly upon what basis they went, but I have no doubt that they did anticipate, in a great degree, the rulings in Adams *v.* Dunseath, with regard to the improveability point, namely, that all the result of any improvement is not to belong to the tenant, that they merely made the deduction for the amount of his expenditure, and did not credit him with all the result of the improvement.

4590. Lord *Tyrone.*] Have you any means of judging of the effect of the Land Act upon the state of the country?

None, excepting the means that are open to everybody.

4591. Marquess of *Salisbury.*] I gather from your evidence that you have not been able in any degree to satisfy yourself as to the principles upon which the Sub-Commissioners decide?

No, they do not disclose them.

4592. And there is nothing in the mode in which the decisions are announced, or in the character of the decisions themselves, to guide you to such a result?

Nothing. My experience, as I have said already, is limited to one Sub-Commission, but the way the decision is announced is practically this: in general they say, "We disallow such-and-such an improvement; we allow such another improvement; we think the tenant made the third improvement; we have visited the farm, and we come to the conclusion that in future, so-and-so would be the fair rent."

4593. May I ask you, as you do not know upon what principle the bench goes in deciding, upon what principles do you go in arguing to prove that a particular sum is the fair rent of a farm?

I have adopted this argument always, though I am sorry to say it was not very successful. I said the fair rent should always be the fair letting value of the farm, less such a deduction as should be made for the value of the tenants' improvements as they existed at the time of his application, that deduction to be regulated as if he were claiming for compensation for improvements. For instance, if a tenant were claiming compensation for improvements, and the Court held that he was entitled to 400 *l.* for compensation, for improvements, and that 100 *l.* a year was the fair letting value of his farm, then I have thought that the deduction should be made from that 100 *l.* a year in respect of the 400 *l.*; 3 per cent., 4 per cent., or 5 per cent., as the case may be, remembering that he had practically a perpetuity. That was the way I always urged them to proceed to fix the rent, but I do not think that they have proceeded upon this basis.

4594. It has been stated before us that a fair way of ascertaining a fair rent would be to ascertain what the fair rent would have been in 1869, and then to deduct whatever rights in respect to improvements the Acts of 1870 and 1871 have conferred upon the tenant. That seems to be very much parallel to the mode in which you would ascertain it?

Very parallel.

 4595. That

4595. That statement was made to us by Mr. Vernon, the Chief Commissioner?

That would be parallel to it, except for the difference between the letting value of the land in 1869 and now. That would be the only element of difference, probably.

4596. But you did not find that that mode of stating the case commended itself to the Sub-Commissioners?

They never said that they agreed with it, or that they disagreed with it, but certainly the results they arrived at would have been entirely different had they adopted it, I think.

4597. That mode of arguing implied a hypothetical competition, which is now impossible, did it not?

Yes; but to a certain extent, of course, you must always have competition, because if you value land in the open market, whether for itself, or for its powers of production that, after all, must be regulated by the competition for the commodity produced; but I think, in estimating the value of the land as a rule, the valuers have gone upon the principle of seeing what it would produce, and what would be the price of the produce according to the market price for the last four or five years.

4598. Your impression is that the valuers have fixed upon the price of produce?

Yes.

4599. Not upon a hypothetical competition value for the holding?

No.

4600. When you spoke of the value of the land you rather alluded to the hypothetical competition, did you not?

No: I should say that they judge of the fair letting value of the land by the produce.

4601. Do you imagine that the Sub-Commissioners themselves have gone upon the selling value of the produce?

I should think they have. They have never announced it, but I think very often practical farmers and agriculturists, almost by an unconscious operation in their own minds, form an opinion as to what the value of land is, without really analysing the process by which they arrive at it; but I think it must always be based upon the value of the produce.

4602. I suppose there is a logical substratum of some kind underlying that operation?

There must be, I think.

4603. When you have ascertained the market value of the produce, you still have a further calculation to make, and that is the proportions in which this value should be divided between landlord and tenant?

Yes; for instance, in the South of Ireland, where dairy farming is the main staple industry; say that two acres of land (for the sake of supposition) would, what they call, feed a cow, "wet and dry," that is, give enough grass in the summer, and produce enough hay for the winter to feed her; then they calculate that that cow would produce so many firkins of butter, and that that butter, at the average rates for the last two or three years, would be worth so much; then they assume that the interest for the money sunk in the cow is worth so much; that the amount of expenditure for labour and so on, necessary to manufacture the butter, is so much, and that the deterioration of the stock will represent a further sum; that is deducted, and that gives them the net profit.

4604. Then comes the question as to how that net profit is to be divided?

They deduct, as I have said before, the interest upon the capital sunk. They have never announced very clearly in what proportion they divide the net profit.

4605. But

4605. But the other calculations are perfectly useless without that result, are they not?

They are. I do not think there is more than about half the net profit of that result ever given to the landlord.

4606. Do you think they formulate to themselves any fraction of the kind; is there any rule by which they go?

No; there may be, but they have never announced it. I think it is a rough-and-ready process.

4607. When no principle is announced, there is a general idea in court, you might express it as an instinctive idea, as to what the Sub-Commissioners would decide; have you been conscious of any such informal rule?

No, I think they go to a great degree upon some rough-and-ready rule, regulated by the produce; they may assume, for instance, that land would produce so much of whatever the commodity may be is worth so much; how they analyse that, I am not able to say.

4608. This operation has been going on now for some time; are there any skilful prophets in the court who are able at all to foresee what the decision of the Sub-Commissioners is likely to be?

Probably, after you had heard a case, you would be able to anticipate to some extent, but not with any accuracy.

4609. If you were called upon to advise a client, should you feel any confidence in advising him to agree upon this or that sum with the tenant, which in your view would probably meet the decision of the Sub-Commissioners?

No, my only general rule would be to advise them to consent to a considerable reduction rather than go into court.

4610. For the sake of saving expense?

Yes, and avoiding a further reduction.

4611. But still you would not know on what principle to advise?

No, it would be quite impossible for anybody to know.

4612. Do you not think it would very much conduce to the forwarding of agreements, and the avoidance of appeals, if more knowledge could be obtained as to the principles on which the Sub-Commissioners act?

Yes. I think it would be most desirable that these judges who are exercising a comparatively new jurisdiction, I may say, and dealing with a matter that has never hitherto been dealt with, should, so far from refraining to lay down rules, rather go out of their way to do so; I think they should lay down the bases of decision in order that people might be enabled to settle out of court.

4613. And also that some uniformity might be established between the various tribunals?

Certainly. It is merely an opinion; but my own belief is, that there will otherwise be almost as great an inequality in rent after the Commissioners have sat to hear cases all over Ireland as there was before they began. At present the man who comes off best, I think, is the rack renter. If you take a certain percentage off unequal things the remainder must be unequal.

4614. Another result is, I suppose, that there is no security that the system of decisions will not, six or nine months hence, take an entirely different direction?

Except so far as the Court of Appeal may prevent it.

4615. Have you had any experience with respect to the Court of Appeal?

Not as regards appeals from the Sub-Commission courts; I have had experience in lease cases, but not in the others.

416. Have you at all watched the effect of the jurisdiction of the Court of Appeal upon those cases which have been decided within your knowledge?

I was to have been in those appeals that were heard from the counties of Clare

and Limerick, but unfortunately I was engaged elsewhere and unable to appear, and a brother barrister of mine who appeared for the landlords in the counties conjointly with me, has informed me of the result of the appeals in which he was concerned; appeals which I originally advised, and which he conducted. The general result was that the rents were increased by the appeals; not very much, but still they were increased. None of them, I think, were lowered. In some of them the decisions of the Sub-Commissioners were confirmed; but there was, over the whole of them, an increase.

4617. Was the general result of the appeals such as to justify your advice in regard to expense?

Probably in some of the cases, not the immediate result; but I advised many appeals not because the decision in the particular case cut down the rent, but to a very great extent purely with regard to the other tenants of the landlord. For instance, one gentleman appealed because his rent was reduced only a pound, and he succeeded upon the appeal in getting it restored to the old figures. That cost him 20 *l.*, I understand; but probably that would prevent the remainder of his tenants coming into court seeking to disturb the rental, which was very old.

4618. With respect to deterioration, I think I understood you to say that you had not been able to trace any general effect upon rents, though you had, in some instances?

No, I think it would be very hard to lay down any general rule; they have never announced any, and I have not been able to trace it through the decisions. The only conclusion I have come to is that in some cases I think they have fixed a higher rent, judging from the existing state of the farm where the tenant has deteriorated it, than they would have fixed if a third party had deteriorated it; they have put, to a certain extent, a penalty upon him for his own neglect.

4619. I suppose, when you are appearing for a landlord, you would always try to bring out a case of deterioration, if there was evidence of it?

Certainly.

4620. It would be material to your case?

It would, of course. A great many of the landlords are very ignorant of the deterioration, that has gone on, and you are obliged to trust very much to what the tenants say themselves.

4621. Or the neighbouring tenants. And I suppose they would not give any evidence against their neighbours?

My experience is that they come upon the table in any numbers to support their brother tenant and help him to make his own case, but certainly to give no information against him.

4622. For the sake of obtaining a fair decision the testimony of the neighbours is not of much value, you think?

Not of the slightest value.

4623. Have you had any cases brought before you where the tenants have deliberately deteriorated in view of the decision of the Land Court; I mean deteriorated in this way, by the stopping up of drains to flood the land, so as to make the land appear worse than it really was, or anything of that kind?

No, I am not aware of any cases of that kind.

4624. If the operation, of the Land Court drag on, the cases are put off for a long time; do you not think that a prospect of appearing before the Land Court may operate upon the minds of those tenants who intend to do so, and induce them to give a less attractive aspect to their farms than they would otherwise do?

I do not know how that would be. If the land was deteriorated it would be of less value; still they get such credit for improvements that they would have a direct interest in keeping it in its most improved form for the purpose of reduction. For instance, if their drains are in good order, and all that, and they have made them themselves, they will be allowed considerable for them in reduction of rent; whereas, if they have deteriorated the land and stopped up the drains,

drains, they will get nothing for them. I can understand their deteriorating all improvements made by the landlord perfectly, but not those made by themselves.

4625. If the tenant proved that he had unstopped drains previously stopped, would that be treated as an improvement?

No, I think not; that is a mere agricultural operation.

4626. Do you not think, when these judicial rents have been fixed for a period of 15 years, with the certainty that, at a fixed date, the farm must be revalued, and the rent re-set, that that will have some influence in the mind of the tenant as to the nature of the agricultural treatment that he is to adopt towards the end of the term?

That is more or less a speculative thing. Certainly, the experience I have had in the last few years of ordinary leases shows that the tenants always do run out the land as much as possible for the purpose of having a low rent fixed for the new letting, but when they are secure in the possession of their holdings, under the clauses of the Land Act, I cannot think that that would be so.

4627. Then an ordinary landlord meets that difficulty by renewing two or three years before the lease falls in, does he not?

Yes.

4628. Under the existing law that, I think, cannot be done?

Except, I think, in the last year.

4629. Earl of *Pembroke and Montgomery.*] Take the case of a tenant who is dependent for his living upon the farm; assuming that the farm is deteriorated, and that the tenant is a man who does not keep an hotel, like the man you spoke of, and that he has no other way of making money except by his farm, the Sub-Commissioners, if they are there to fix a rent at all, must fix a rent which the farm can pay, and therefore have no choice but to lower the rent; is not that so?

That is, assuming the farm was let at something near its value originally, but considerably deteriorated; it might have been let so low that it would still be worth the original rent.

4630. Do you not think also, in view of other considerations which have just been mentioned by Lord Salisbury, that it would be a very good thing if the Land Commissioners were empowered to refuse to fix a rent at all in cases where the farm was seriously deteriorated?

They are empowered to do so as it is. They may always refuse an application where the conduct of the party has been unreasonable, and I think nothing can be more unreasonable than so defacing the thing let that it is impossible to tell what it was when the tenant got it.

4631. Has that ever been held to be unreasonable conduct by the Courts of Sub-Commissioners?

No, it has not, that I am aware of.

4632. Lord *Brabourne.*] You have been asked questions by Lord Salisbury about the idea of theoretical competition in the valuing of these farms; does not competition imply the idea of more than one person desiring the same thing, and that conflicting desire enhancing the price?

Certainly, I think it does.

4633. As long as the landlord could let his land to more than one person he had a power of choosing, even though a person was in possession whose tenure might come to an end by the act of the landlord, the competition entered as an element, did it not, into the fixing of the rent?

Certainly.

4634. Has not the Land Act done this: decided that the land shall be the property of two individuals, the landlord and the tenant, and of only two, and leave the court to fix the rent that should be paid, and does not that exclude all idea of competition and deprive the landlord of that element entirely?

In future that may be so; but I do not think that that enters into the calculation of the Commissioners in arriving at a fair rent now.

4635. How can you entertain the idea of competition at all in fixing a fair rent now, when you know there can be no competition, and that the tenant has got as much right in the farm as the landlord, and that you have only to determine the degree of right between the two?

That is one of the reasons why I say I do not think it is taken into account. I think they fix the rent upon the produce generally.

4636. If you were a Sub-Commissioner you would not take it into account, could you?

No, certainly not.

4637. If it be an act of injustice to the landlord, it is not the act of a Sub-Commission, but the act of the Legislature that has done it, is it not?

Certainly.

4638. And, as a matter of fact, competition is excluded, is it not?

Certainly, in the future.

4639. Is t ere any possible test for ascertaining the real value of any article except that of knowing what a person would be willing to give for it in the open market?

I believe it has been always laid down that there is no test except that of what it will fetch in the open market; the general rule is that competition is the only guide to value, coupled, in some cases, with the cost of production.

4640. For instance, if the consumers of meat thought the price of meat too high, and the Legislature were to say, therefore, that a court should sit and determine the price of meat, that would practically be only doing what they have done with regard to Irish land, would it not?

Yes; though that is getting into a question of political economy. There always has been a difference drawn between land which is practically limited in supply, and other things which can be produced indefinitely, but at constantly increasing cost.

4641. Do you think tenants are coming more freely into the land courts now than they did at first, or that the wish to come in is subsiding?

No, I do not think they are coming in nearly so fast as they did at first.

4642. Do you think that the idea of new legislation will keep them out, because they think better terms may be given them?

I think that at first they rushed into Court, because they thought the reductions would be more than they have been. It is very hard to say what the condition of mind is at present, but I think they naturally hope for some further benefits from legislation

4643 I think you said you had been concerned in proposals to break leases?

Yes, a great many.

4644. Have you found that the Act operates injuriously to the landlords in that respect?

The applications of the tenants have been singularly unsuccessful. I should think I have been engaged in nearly 300 cases, and certainly there were not 50 set aside.

4645. You are aware that allegations were very extensively made that landlords had acted, after the Act of 1870, in a very oppressive manner with regard to leases, but those allegations have not been substantiated at all, have they?

It is but fair for me to say that a great many of those cases where the landlords have been successful have been decided upon technical grounds; for instance, the want of status on the part of the tenant (as defined by the Act) at the time he took the lease; it was necessary he should be tenant from year to year at the time he took the lease, and very often that was not the case.

4646. Still,

4646. Still, as a matter of fact, the applications have generally failed, have they not?

Yes; where the applications have been successful they have been successful by reason of the introduction into the leases in Ireland (which were very often printed forms of leases) of a number of minute covenants which were entirely inapplicable to the relations of landlord and tenant in Ireland, and which were copied, generally speaking, from English precedents of conveyancing, and were never acted upon by any chance. I have been some time in the profession, and my experience has been that I never was engaged in more than one action for breach of one of these covenants by a landlord, and that ignominiously failed.

4647. Marquess of *Salisbury.*] Were those forms supposed to be in fraud of the Act of 1870?

No, they were old forms of leases. It is necessary for me to explain the way in which they came to be relied upon to set aside leases. The Commissioners have decided that the Act of 1870 having secured to a tenant two rights, compensation for disturbance and compensation for improvements, when he gets a 31 years' lease he loses the right to compensation for disturbance altogether, and he loses the right to compensation for improvements other than those of a certain class, namely, reclamation of waste land, permanent buildings, and unexhausted manures; the consideration he was to get for those things that he so gave up was a secured tenure for at least 31 years; they decided that where a number of covenants were introduced, very minute in their character, and difficult to keep, with a condition of re-entry attached to the breach of any one of them, practically, the tenure was more secure than before the lease was granted, that consequently the tenant got no value for the rights he gave up, rights secured to him by the Act of 1870, and that, therefore, the leases were unfair. A great many of the leases were set aside upon those grounds, even although those covenants were not introduced with a view to the Act of 1870.

4648. Then the ground on which they were set aside was in the highest degree technical?

It was, to some extent. Everybody knows in Ireland that those covenants in leases are quite inapplicable to Ireland; they are never enforced, and no one ever thinks of enforcing them.

4649. Lord *Brabourne.*] Are you aware that a demand exists, or do you think that a demand is likely to arise, on the part of the leaseholders to be brought more generally under the Act of 1870?

I am quite sure of it, and for this very obvious reason, that the rents were far higher from 1870 to 1880 than they are at present.

4650. That is a time during which Ireland was in a prosperous condition?

In a most prosperous condition. I am not certain that landlords would derive very much advantage by upholding the leases. Even if there was a covenant in the lease by which the tenant was bound, I doubt whether it would be of much use when he found that his next-door neighbour had got a reduction of 20 to 25 per cent. in his rent.

4651. Is there a strong agitation going on upon that matter at the present time?

I think there is a very strong desire that leases made since 1870 should be opened by statute.

4652. Not leases existing before that time?

No, not leases existing before that time.

4653. Earl *Stanhope.*] Will you state the nature of the evidence that a tenant brings forward?

The tenant generally proves that he and his forefathers have been in the place for generations; that he has spent a great deal of money in making improvements, and that in his opinion the land is much too highly rented, and probably he proves that he has only been able to pay the rent by the remission of

of money from America; all this you have no opportunity of checking. Then he, generally speaking, produces some evidence, in addition to his own, as to his having made the improvements. At first he used to produce a neighbouring farmer to prove the value of the land, which I need scarcely say was in most cases represented to be very small indeed; now, I think more generally, he produces a valuator whom he has employed, and who generally fixes the rent at a very low figure also. His case consists in that.

4654. The valuator whom he employs is, I suppose, a man of some standing?

Sometimes he is a neighbouring farmer, sometimes a man of some standing.

4655. *Chairman.*] Is it not occasionally the village schoolmaster?

Yes, occasionally, I believe.

4656. Earl *Stanhope.*] Then in many cases they are not actual land valuers?

No, in many cases they are not; very often they are practical farmers, and I think the Commissioners would prefer the evidence of a practical farmer if he were not otherwise interested.

4657. Have you observed how the sympathy of the Court is, or whether it is very much in favour of the tenant?

Does your Lordship mean the sympathy of the members of the Court?

4658. No, the sympathy of the audience?

The sympathy is very very marked indeed.

4659. Lord *Tyrone.*] Of course the lay Commissioners have no judicial knowledge, have they?

None; at least I assume so. I am not aware that they have any. They have certainly no judicial experience and no judicial training.

4660. And it is quite possible, is it not, that the lay Commissioners may outvote the judicial Commissioner upon a point of law?

As I understand, it is perfectly possible. I do not know that their duties or their powers are limited in any way *inter se.*

4661. Marquess of *Salisbury.*] Have you any opinion, founded upon your practice, as to the question of arrears?

As to whether the tenants are able to pay?

4662. Perhaps that is the important point. Have you any opinion as to how far the inability is real?

I should think that in the South of Ireland there is at least a third of the tenants unable to pay.

4663. Lord *Tyrone.*] Unable to pay the rent or unable to pay the arrears, do you mean?

Unable to pay the arrears.

4664. Do you think that they are unable to pay any part of the arrears?

I will not say any part, but the whole of the arrears.

4665. Marquess of *Salisbury.*] When you say that they are unable to pay, do you mean unable to pay without inconvenience, or unable to pay by any exertion whatever?

I do not think they could pay in any way, except by raising the money.

4666. Could they not sell their holding?

Yes, they might do that.

4667. Then they might be able to pay?

Then they might be able to pay; they are not insolvent.

4668. Duke of *Norfolk.*] Do you know what the deposits in the savings banks are?

No, they are a very large figure, but I do not know that it is true, as is generally accepted, that they all belong to tenant farmers.

4669. Had you that in your mind in indicating certain districts as bring less able to pay than others?
My experience is that it is the larger farmers who are unable to pay.

4670. Lord *Tyrone.*] Do you think that they are unable to pay entirely owing to the bad seasons, or owing to the fact that they have spent the money, instead of paying their just debts with it?
I attribute it to both causes in a great degree, and in the case of the large farmers I think that a great deal of the money that has been withheld from the landlords has been spent on agitation.

The Witness is directed to withdraw.

MR. WILLIAM SEYMOUR BIRD is called in; and Examined as follows:

4671. Lord *Tyrone* ] You have acted as counsel for some of the landlords, have you not?
Yes.

4672. What Sub-Commissions have you been acting before?
From the first sitting of No. 4 Commission until their rising before Easter I acted before them, with the exception of two weeks that I was not employed.

4673. Have you acted before any other Sub-Commission?
Since Easter and up to the present time I have acted before No. 7 Sub-Commission.

4674. In what district were they occupied?
No. 4 Commission was chiefly occupied in Mayo and Galway. They sat in one town in Sligo.

4675. Where was No. 7 occupied?
In Leitrim, Sligo, and Roscommon. It is a new arrangement of counties.

4676. What average reduction of rent was made by No. 4 Sub-Commission?
No. 4 Sub-Commission made the largest reduction. It averaged 29 per cent., I believe, up to Christmas. I am not aware what it has been since; I do not think it has been made up.

4677. *Chairman.*] Have you looked into the average of reductions in the different provinces?
No.

4678. Then you cannot tell me whether the reduction made in Connaught is the largest reduction made in any of the provinces?
It was stated so. Number 7 Sub-Commission, I believe, made the second largest reduction; they were principally acting in Connaught also.

4679. Earl of *Pembroke and Montgomery.*] On those holdings on which the reduction of 29 per cent. on an average was made, were the tenants' improvements of a very valuable nature?
Quite the contrary, in my opinion.

4680. They were not of such value as in any way to account for the reduction of 29 per cent. on the rent?
I do not think so.

4681. Lord *Tyrone.*] From your experience do you consider that those reductions were fair?
I think the reductions were excessive, and for two reasons: I think the lands that were inspected in Mayo, where the reductions were largest, were lands that

looked particularly badly in the weather they were inspected in. They were of a boggy, mountainous nature, and in the winter, as far as I can learn from everybody who knew the land, they looked far worse to a stranger than they really were. In Ballina the weather was particularly bad, probably the severest weather I ever remember; there was storm and rain every day. The inspection went on notwithstanding. Some of the landlords and their agents bitterly complained that the lands could not be fairly inspected at that time by persons who had never seen them before; the tenants always said it was very lucky for them (I have heard them frequently say so) that their lands were inspected at that time, and any tenant whose case was not then heard expressed great discontent on the ground that his lands would probably be inspected at a better time of the year.

4682. Duke of *Norfolk.*] Do you know whether the Sub-Commissioners took that state of things into account, in making their valuation?

They stated that they did so, but having regard to the fact that they were strangers to the locality, and had never seen that class of land before, I do not think that they allowed enough. Then, the other reason why I think the rents were excessively reduced is that the principle adopted by No. 4 Sub-Commission was the exclusion of the improvements. On its being proved that a tenant made an improvement they said, Very well, we will not allow rent for that. That is contrary, of course, to the decision in Adams *v.* Dunseath.

4683. *Chairman.*] I am not quite clear about that. You say they put the improvement aside, and did not calculate it at all?

Yes; they excluded the increased value given to the land by the improvement.

4684. You mean that they did not allow rent for it?

Just so.

4685. They did not deduct rent for it in consequence of any value they had previously ascertained, did they.

As to that I am quite in the dark; that is one of my complaints against the system. I do not know whether they did or not, but I have no reason to believe that they did.

4686. Lord *Tyrone.*] The practice of the Court was to deduct the improvements as a whole from the fair letting value, was it not?

Apparently so.

4687. That is what you believe from what you saw in the course of your duty before them?

Yes, subsequently to the decision in Adams *v.* Dunseath, Mr. Macarthy is reported to have said (and in fact he said almost the same when I was present) that they had always followed the lines of that decision. As I pointed out to him, if they did so, they must have made out the value in their own minds, for no evidence of the cost of the improvements was ever given to them.

4688. Did Mr. Macarthy say anything about costs when you were before him?

Yes; in the first case in which judgment was given, he said that costs would not be given, if there was not something oppressive in the conduct of the landlord.

4689. *Chairman.*] Do you recollect the date?

I should say that was about the 17th November or so; at all events it was soon after the sittings commenced. It was in Ballina, the first town in which they heard cases. Mr. Thompson's cases came on immediately afterwards, and there was certainly no cause of complaint against the landlord there; the rents had been unchanged since 1841; it was proved that three years' rental of the estate had been expended in improvements since 1841, and the landlord had done nothing which could be complained of, but notwithstanding all that, the Sub-Commissioners gave the costs against the landlord, and from that time to Christmas they continued, in every case, to give costs against the landlord.

4690. With

4690. With regard to this case of Mr. Thompson's, and other cases, were appeals lodged?

Yes, in the Thompson cases there were appeals.

4691. And the decision as to costs, I suppose, will be reversed?

Yes; in those cases it will be. In cases where no appeals were lodged, the landlord must pay the costs to the tenants.

4692. Lord *Tyrone.*] Were the rents reduced in any cases you had, where the rents had not been changed for many years?

Yes.

4693. Were they seriously reduced in those cases?

In some cases largely; in others not so largely; but I do not think it made the least difference whether the rent was an old rent or a modern rent.

4694. Do you think it made a great deal of difference in the amount of the reduction whether the rent was a high rent or a moderate rent?

That is an extremely difficult question to answer, but my impression is that the higher the rent was, the better the landlord got off. There seemed to be an impression that rents must come down (that is merely my own idea), and if a man's rents were considerably above Griffiths' valuation, he probably got off better than the landlord who had been content to receive a much lower rent.

4695. *Chairman.*] You have had practical experience of that in the cases that have come under your notice, have you not?

Again the difficulty arises in all those cases, that no reason is given for the decision, and I am only giving now to the Committee what my own impression has been since I started as landlord's counsel.

4696. Lord *Tyrone.*] Do you consider it a very great objection that no reasons are given?

It is the greatest possible objection.

4697. Why so?

The landlord and his counsel or solicitor are perfectly in the dark as to whether an appeal ought to be lodged, or not. I can see no reason why a court of this sort should not follow the example of every other court. There seems to be no reason why it should not state the gross yearly value of the land, whether the land has been deteriorated, and whether they have allowed for that, or whether it has been improved, and how much they have allowed for that. Then the landlord can say either that he is discontented with the gross amount of rent, or that he is satisfied with it, but that he thinks the reduction for improvements too great, or the allowance for deterioration too small.

4698. And you think that those statements not being put in is very much against the interests of the landlord?

In the west, the only part where I have any practical experience, I think it is very much against the interests of the landlord, and for this reason: I think the so-called tenant's improvements in the west of Ireland, in many cases, are either non-existent, useless, or positively injurious. The improvements that are generally claimed by the smaller tenants in the west of Ireland, excluding their buildings, which are usually admitted to be made by them, are reclamation of waste land, the making of drains, and the making of fences. Now with reference to the reclamation of waste land, it was stated by one of the Sub-Commissioners in open court in Ballina, that since he had come to Mayo he had seen no reclaimed land at all, and my experience is that in five cases out of six the reclamation of land cannot be called reclamation; they merely till the land, and probably the last state of it, when they cease tilling, and let it go into grass, is worse than the first.

4699. Therefore, you consider that the prairie value would probably be more than the value of the land after the tenant had given up tilling it?

In many cases; of course, not in all. Then with reference to the drains, owing to the want of knowledge of farming which unfortunately exists in the west of Ireland, the drains are very often quite useless; yet it may be that the landlord is charged for them.

4700. Earl of *Pembroke and Montgomery.*] But if these improvements that you speak of do not add anything to the letting value of the land, the Commissioners could neither assess nor take off any rent on account of them, could they?

Certainly not, and that is the reason why I would wish to have a report of their judgment, because it might be that the landlord would be able to show that what was charged for was positively a deterioration, or something utterly useless. Another instance of a so-called improvement is this. The tenants (again from their ignorance of farming), oftentimes at a great expenditure of labour, remove boulders of limestone, and so on, from a class of grazing land which is particularly good for sheep. They then break it up and turn it into the most inferior class of tillage, and it would be most unjust, in my opinion, if any allowance at all were given to the tenant for what no doubt was very laborious work on his part, but work which was at the same time useless to the landlord, if not a positive deterioration of the farm. I saw a case of that kind on the estate of Mr. Browne, the late Member for Mayo. A place was shown where the tenant had removed immense quantities of stone, but, as it was pointed out to me, it would have been much better for him to have left it in the condition in which it previously was. In an adjoining field of the same quality there was sweet grass growing, but there were also some thorn bushes growing there, of which the tenant complained. He said he could not allow his sheep to go amongst them because the bushes destroyed their wool, but with one-tenth the labour employed in taking away the boulders he could have removed all those bushes, and had a nice sweet pasture.

4701. Lord *Brabourne.*] Does that refer to a tenant who came into Court?

Yes; they were inspecting his holding.

4702. How did they deal with him?

The rent was largely reduced, but I cannot say whether there was any allowance made for the work I have mentioned. I should think not from the observation of the Sub-Commissioners.

4703. Earl of *Pembroke and Montgomery.*] If the landlord's counsel distinctly showed that such a reclamation as that was not an improvement at all, and added nothing to the pecuniary value of the farm, the Commissioners would have no choice but not to make any allowance on account of that, would they?

That brings me to another point which I wish to mention to the Committee. If the landlord had got particulars of those improvements beforehand he might be in a position to do that, but if a landlord has say, 30 or 40 small tenants in Court, all paying 5 *l.* or 6 *l.* a year rent, it is perfectly impossible for him to know what claims they will bring forward by way of improvements until he hears them in the Court, when it is too late to say anything about them.

4704. Has that ever arisen within your experience, that an unexpected claim for improvement has been brought forward by the tenant?

Certainly.

4705. Duke of *Norfolk.*] Surely the landlord's counsel could state to them what you have stated to us now, and in so few words; would not that have weight?

If the landlord's counsel knew it, it probably would, but unfortunately he does not know it. He hears an improvement claimed on account of a large quantity of stones taken from the land, but he does not know what class of land it is.

4706. Would not the landlord's agent be present to instruct him at once on those points, and say, "We look upon that as rather a deterioration than improvement"?

Very often in these small holdings there is not much known about them. The fields composing them are often widely scattered, and sometimes the place where each field is is unknown to the agent.

4707. Earl of *Pembroke and Montgomery.*] Does it happen in your experience in such a case that the landlord applied for a postponement?

The

The cases were so small that they would not bear the expense. The difficulty would be met by the tenant being compelled with his originating notice to serve notice of the improvements claimed.

4708. Duke of *Norfolk.*] Is it pure ignorance on the part of the tenants that makes them do the things you have referred to?
I think so.

4709. Lord *Tyrone.*] If the reasons of the decisions were given by the Sub-Commissioners, I suppose there would be no difficulty in ascertaining whether you would have a good ground for appeal or not?
There would be very much less difficulty.

4710. And would it not be a great inducement to both landlord and tenant to settle out of Court, if they knew the actual reasons upon which the rents were fixed?
Yes, I think so. If the gross rent of the holding were stated by the Sub-Commissioners it would be a better guide than anything else.

4711. The gross rent of the holding, as it stands, do you mean?
The gross rent of the holding as it stands.

4712. I understand by the gross rent, you mean the fair rent?
The fair rent, excluding the tenant's improvements. If that were put down the landlord's valuer would be able to come to some idea as to the rent to be put upon another holding, and allow for the class of improvements upon that holding.

4713. If he knew what the fair rent of the holding was, and what was deducted for the improvements, he would then have some line to go upon by which he could arrange with the tenant out of Court?
Precisely so; that is what I mean.

4714. Have you formed any idea as to the time for appealing being sufficient?
The time for appealing is too short.

4715. Why do you think that?
It sometimes happened that the landlord was abroad, and the agent did not wish to take the responsibility of appealing upon himself, and the landlord could not be communicated with in time. Subsequent decisions, too, may render an appeal desirable.

4716. Have you formed any opinion as to whether it would be advantageous that the tenant should send in information as to his improvements with his originating notice?
I think it would be most desirable, and I do not think that being compelled to give particulars would put the tenant to any additional expense, because in my experience the tenant has usually a surveyor or a valuator, and it would be just as easy for him to go to the expense of engaging that valuator before he served the originating notice as afterwards.

4717. Would it not possibly prevent a tenant applying to the court who had not a good claim, if he were obliged to state what his claim was upon the originating notice?
I could hardly answer that. It is very difficult to get a man to believe that he has not a good case. Rent has been reduced in many cases where there were no improvements; I can give a most remarkable instance of that on Lord Clancarty's estate. A man there, who occupied a very respectable position (he was an agent and postmaster), had a farm from Lord Clancarty, for which he paid 60 *l.* a year. It was deteriorated by him; he had meadowed it three years consecutively, taking the mead off, and had done nothing whatever to maintain it, and that man's rent was reduced to 56 *l.*

4718. *Chairman.*] The question of deterioration ought to be taken into account, I suppose?

The Commissioners stated that they had taken the deterioration into account but even then they reduced his rent to 56 *l.*

4719. It has been suggested before us, in the course of our proceedings, that it might be advisable to make the tenant state accurately, on his originating notice, the amount of the reduction of rent that he wished for; what do you say as to that?

The originating notice would then be a most startling document. The reduction the tenant claims is something extraordinary in most of the cases that have come under my notice. Generally speaking, they say from Griffiths' valuation to half Griffiths' valuation, according to the part of the country.

4720. Do you not think that the occasionally startling nature of the document would be counterbalanced by the fact that the tenant would be bound by some distinct limit in the claim he made before the Court, because at present he is absolutely unbounded; he comes and asks a reduction of rent, it may amount to 100 per cent. or it may amount to 1 per cent., is not that so?

No. I think he would always take care to put his limit lower than he would be likely to get his rent reduced to.

4721. Lord *Tyrone.*] Have you formed any opinion as to the construction of the tribunal?

I think the constitution of the tribunal is very objectionable. I think it was a great mistake to have three members of the Court equal in position. A much better way, in my opinion, would be to have the two lay members of the Court valuators; to a certain extent I might describe them as assessors. I think that the legal member of the Court should be solely responsible for the rent fixed, and that the other two members should visit the farms, and, having heard the evidence, give in written reports, and I would go so far as to say that they ought to be examined and cross-examined as to those reports in court.

4722. Then they would not be in the position of deciding what a fair rent was if they could be cross-examined, would they?

I think it would be much better that the decision on the rent should be left to the legal Commissioner alone; he is supposed to be a judge of the weight of evidence, and is supposed to have some experience; the other gentlemen are not, and for all one knows, they may give weight to totally illegal considerations, without intending to do anything wrong.

4723. That is to say, that there being one lawyer and two laymen on this Commission, it is possible that the two laymen on a point of law might out-vote the lawyer?

No; the theory is that on a point of law they do not vote; that is the theory.

4724. Marquess of *Salisbury.*] Is that in their instructions?

I think so.

4725. Lord *Tyrone.*] Is the duty of the lay Commissioners merely to form an opinion as to the value of the holding from what they see?

And from what they hear; and I believe that on No. 4 Sub-Commission, the inspection was really the important thing. They went almost altogether by the inspection. I wish to say that I think the plan proposed in the rules lately issued, if made more universal, would be the proper way of dealing with the matter. What I would suggest as about the best way to get the cases quickly settled, would be to have, in each case in which an originating notice is served, a valuer sent down; let him make a report in writing to the Head Commission, having met the landlord and the tenant on the ground; let him state the gross amount of rent of the land as it stands, the amount to be deducted for improvements, or added for deterioration, and let his award be published; and then, if the parties object to that, let them appeal.

4726. Let them appeal to whom?

That would be a matter of detail; they might appeal either to the Sub-Commission, or straight to the Head Commission.

4727. Would

4727. Would you not by your proposal do away with the Sub-Commission almost altogether?

Yes, almost altogether; if the appeal was to them there would be only about four Sub-Commissioners needed in Ireland.

4728. Marquess of *Salisbury.*] That result would not frighten you, would it?

No.

4729. Lord *Brabourne.*] If your plan could be carried out it would save immense delay and expense, would it not?

That is my principal motive for suggesting it. The saving of expense to landlord and tenant would be enormous. The objection made to the plan I suggest is that there would be no evidence before the valuer as to the improvements by the tenant; but I think in practice it would be found that when the landlord and tenant met on the land with the valuer, in the great majority of cases there would be no dispute at all as to the improvements, or as to who made them; and if there was a dispute it would be very easy for the valuer to find that the gross rent of the holding is so much, that there is a dispute with reference to a certain improvement, and if that belonged to the tenant he would deduct so much; if it did not belong to the tenant the rent would stand as he fixed it. It seems to me that that could easily be done.

4730. Earl *Stanhope.*] We were informed in evidence by Mr. Justice O'Hagan that such an alteration could not be made without amending the Act, is that your view?

That is quite possible.

4731. Lord *Tyrone.*] With regard to the valuators, did not Mr. M'Carthy make some remarks?

Yes, at the sitting in Ballina he stated he did not care a straw for the evidence of professional valuators, or made use of some words to that effect.

4732. What was the effect of that remark upon the landlords who came before him?

In very many instances landlords have said to me, when I have suggested their having a valuator, that it was useless going to the expense of it, because the Court did not care for the evidence.

4733. Therefore I suppose it was left entirely to the two lay Commissioners?

In many cases.

4734. Do you think that that had an adverse effect as regards the landlord's interest?

It is impossible to say that; but at all events, it made it far more difficult to know whether you ought to appeal or not, because you had no estimate then on the landlord's part of what was a fair rent.

4735. Do you think that it would be a good thing to have a written report sent in of the opinions of the two lay Commissioners?

Yes.

4736. What advantage would that be?

It would enable the parties to know how the decisions were arrived at.

4737. Has the fact that many of them were only appointed for a year had any effect, do you think, upon the action of those Sub-Commissions?

I could not say that; but it is certainly most unfortunate that persons who have such an enormous amount of power given to them should be appointed for such a very short time, and be liable not to be reappointed. It must also be remembered that everything is left to the discretion of the persons so appointed.

4738. Have you been employed before the Chief Commissioners upon appeals?

No.

4739. But I suppose many of the cases in which you have been engaged before the Sub-Commissioners were appealed upon?
Yes, a good many.

4740. Therefore you have some knowledge of the result of the appeals?
Only what I have seen reported. I have heard considerable complaints that proper notice was not given to the landlords of the court valuers going upon the land.

4741. Have you got any suggestion to make as to assessing the value of the tenants' interest?
I have frequently asked Sub-Commission No. 4 to give me some idea as to the way in which they arrived at the value, but they have always declined. They said that it varied in different instances. The plan of the Commission that I am at present before has been practically to give the maximum amount of disturbance allowed by the Act, and any improvements that were proved to have been effected by the tenant.

4742. *Chairman.*] In fact they added together the interest created by the Act of 1870 and the Act of 1881, and said that that was the specified value of the tenancy, did they not?
Yes.

4743. Lord *Tyrone.*] I think you answered a question just now about deterioration. I should like to ask you another question with regard to it. In cases of deterioration, have the Sub-Commissioners ever refused to consider the cause?
Sub-Commission No. 4 never has; they have always stated, in giving their judgment, that they allowed for deterioration whenever it seemed to them necessary.

4744. By your reading of the Act, would it not be open to them to say that there was unreasonable conduct?
Unreasonable conduct, I fancy, under the Act would be held to mean something done consciously or intentionally by the tenant.

4745. Marquess of *Salisbury.*] Do you mean with the intention of being unreasonable?
No, I mean some intentional deterioration, something like deliberately breaking up ancient pasture or something of that sort. I do not mean merely bad farming; I do not think bad farming could be held to be misconduct.

4746. Do you mean to say that in the case of a man who has been farming for 15 years and has treated the land in such a way that it has deteriorated in value owing to ignorance of his business, and nothing more, that the Commissioners would not be able to take that into account as deterioration?
The Commissioners are bound to take the deterioration into account; but I was answering as to unreasonable conduct, which, in my opinion, ought to disentitle a tenant from any benefit under the Act.

4747. Would you not think that deterioration which had no ulterior motive except the tenant's profit, might be unreasonable. For instance, if he took the mow off the land for 10 years without manuring, would not that be unreasonable?
Certainly. The instance I gave was that of breaking up ancient pasture. If you break up ancient pasture and leave it worthless at the end of 15 years, that I think would be unreasonable conduct, such as your Lordship indicates.

4748. You do not mean to exclude cases where the tenant is acting with a view to save his own pocket?
I include those cases; I mean that mere bad farming, from ignorance, ought hardly be called unreasonable conduct such as ought to disentitle him from any benefit under the Act.

4749. Where he meant to do the best he could, and failed, because he did not know how, you think that would not disentitle him; is that what you mean?
Yes.

4750. Lord *Brabourne.*] The effect upon the landlord would be the same, would it not?

Perhaps so.

4751. At the end of the 15 years, whether it proceeded from ignorance or intention, it would result in deterioration, would it not?

The landlord ought to be compensated, in my view, for deterioration caused by ignorance, but it is a different thing to say that the tenant should be excluded from the benefit of the Act in consequence of it.

4752. *Chairman.*] In the one case you would say he should not have the power of appealing to the Sub-Commissioners, or, in other words, that it might take away his *locus standi*, and that, in the other case, he might appeal, but that the case would probably go against him?

Just so.

4753. Lord *Tyrone.*] I understand the part of the country in which you were acting before the Sub-Commission was a very poor part of the country?

Yes, probably the poorest in Ireland.

4754. Have you formed any opinion as to what the effect of fixing what is called a fair rent would be in that part of the country?

I think that, in very large portions of the country in which I was acting for the landlords, even if the tenants paid no rent at all, they could not live with any degree of comfort. The tenants there can hardly be described as farmers in the ordinary sense of the word. They live by coming to England and labouring in the harvest and spring, or by fishing, and by burning kelp. The little patch of land they have they use for growing potatoes for use during the winter and the rest of the year by their families. Under those circumstances I think it makes very little difference to them, whether they pay 6 *l.* a year or 4 *l.* 10 *s.*; though if the landlord has a great many of those tenants it makes a very considerable difference to him in the end whether the rents are paid at the full or reduced rate.

4755. Earl of *Pembroke and Montgomery.*] Surely, where people are so poor as that it must make a great deal of difference to them whether 6 *l.* or 4 *l.* 10 *s.* will be the rent of their small plot of land?

The rent forms a very small item in their annual expenditure.

4756. *Chairman.*] Of course, in favourable seasons they are very well off, and in a bad season like that of 1879 they are starving, are they not?

Yes, if they have a good potato crop and good wages they can live fairly comfortably, or if the kelp is high.

4757. Lord *Tyrone.*] Do not their farms become deteriorated through the fact that just at the time they ought to be cultivating them they are away in England?

I think so; most of the labour is done by the women and the younger children, and consequently their holdings are not so well cultivated as they might be.

4758. Did one of the Sub-Commissioners before whom you were acting make any statement as to his opinion with regard to the present system of agriculture in the West of Ireland?

Yes, he said that, owing to the excessive use of guano, which had commenced in recent years, he believed that in 10 years, if the same course was pursued, there would be no produce at all in Connaught.

4759. Have you formed any opinion as to what would remedy this state of affairs?

I think that in those parts of the country where the land is very poor and the population dense, the true remedy would be emigration, or transplanting the inhabitants to other parts of the country where they might be put to cultivate larger farms.

4760. Is it the size of the farm or the class of the soil which you think acts most against them?

Both; of course if a man has a large farm and bad land he is able to live on it better than he can do on a small farm of bad land. The land is very bad on those parts bordering on the sea coast, in Connemara, and in the mountainous parts generally.

4761. Have you been able, from your knowledge of Ireland generally, to form any opinion of the effect of the Land Act of 1881 upon the state of the country, that is as to whether the country has improved or deteriorated since that Act was passed?

I see no signs of improvement at all. The Act has not been long enough in operation to tell whether the reduced rents will be paid, but I have heard a great many persons more intimately acquainted with the west of Ireland than I am state that they do not believe the reduced rents will be paid any better than the old ones have been recently paid.

4762. Marquess of *Salisbury.*] You cannot tell me on what principle the Sub-Commissioners decide the question of a fair rent, but you can tell me on what principle you argue it?

It is a very difficult thing to know how to estimate a fair rent. Of course the theory is that there is a class of land that only pays the bare cost of production, and that the rent is the difference between that land and the particular land you are fixing the rent of, but in practice, I think, what is done by the valuators is this, if it is land that can be made grazing land of, they calculate how many collops, as we call them in Ireland, it will rear, and they give half to the landlord and half to the tenant; or if it is a tillage farm, they estimate the gross produce and seem to think that about a third of that would be fair for the landlord.

4763. Their view is that in grazing land half the gross produce belongs to the landlord, and in tillage land a third of the gross produce?

Some persons in the case of grass land go higher than that, and give more than half. In tillage land, as I have said, a third is the usual proportion given to the landlord.

4764. But that is what the valuators give; is that the principle on which you argue it, for I suppose you try by arguments to enforce your views upon the Sub-Commissioners?

I cannot say that I have argued the principle of fair rent very much more than by endeavouring to show the fair proportion that ought to go to the landlord.

4765. You do not, I suppose, try to enforce Mr. Mill's theory, which you just now stated?

I think, in theory, it is a very good one, but I do not see how in practice you can ever make use of it.

4766. Do you press upon the Sub-Commission that numerical doctrine which you have alluded to of a certain proportion of the gross produce belonging to the landlord?

I have not liked to press that very much, because I have found that the tenant's account of his gross produce was so very small that it would reduce the landlord's rent to almost nothing. It is not an uncommon thing to have a tenant state that he did not reap as much corn as he sowed, and so on. That is the kind of statement that is made, and you have to trust, to a great extent, to the knowledge that a man acquainted with agriculture has of the amount of produce which land properly farmed ought to yield.

4767. Still you would argue on a certain proportion of the gross produce which you would, by hypothesis, assign to particular land?

Yes.

4768. You do not take into consideration any hypothetical competition, or what is called the letting value of the land?

In

In Ireland the idea of competition seems to have been obliterated altogether. That is the difficulty.

4769. You do not call into aid the supposition of what it would be if the market were open?
I have often tried to do that, but I was always informed by the court that the competition value in Ireland had ceased to be one of the elements, and that the competition value was far above any real value, and totally fictitious.

4770. Then, at all events, you got that amount of information as to the process of reasoning pursued by these courts, namely, that they do not admit the idea of any hypothetical competition?
I think I may say that.

4771. If they determine fair rent on any principle, they must determine it on some other principle?
Yes.

4772. And you are inclined to think that they take the produce in some way or other into consideration?
I think so.

4773. Do they ask any questions indicating that that is the bent of their thoughts?
I think they are more inclined to find out the depth of the soil and nature of the subsoil and the aspect of the land.

4774. And that is only a mere expectation of the produce it gives, is it?
I think from that a skilful valuator ought to be able to estimate the produce approximately.

4775. You think that that is the line of reasoning they pursue?
I think so.

4776. Lord *Brabourne.*] And also as to the labour required?
Yes.

4777. Marquess of *Salisbury.*] Is this main element of their decision, viz., the character of the soil, and aspect, and so forth, chiefly ascertained by the evidence of persons who have been on the land and can speak to it, or by their own eyes?
By both.

4778. To which do you think they attach most importance?
I think on Sub-Commission No. 4, almost the entire importance was attached to the inspection.

4779. Then they are acting upon evidence which by its very nature has not been subjected to cross-examination?
Yes; and of course it must be always remembered that they are strangers to the district, and that land that may look to them very poor land may not be poor at all, and may give very good crops.

4780. They may have derived from that inspection, or still more from what they hear upon the land; impressions which might, upon cross-examination by counsel, be materially modified, may they not?
They may.

4781. Is it not another result of that system that they deprive the landlord or tenant, as the case may be, of the opportunity of rebutting, by counter-evidence, any impression which their inspection may have induced them to form?
Yes; the inspection takes place, as a rule, after the hearing, and then the judgment is given, and there is nothing more.

4782. They may calculate upon some drain as being particularly useful, when you have evidence, if only called upon to produce it, showing that it is perfectly useless, but you have no opportunity of producing that evidence?
Yes.

4783. I do not know whether there is any other department of judicial investigation in which the judge himself acts the part of witness; are you acquainted with any?
No.

4784. An attempt has been made to compare it to the case of a coroners' jury viewing the place in which any accident takes place; but I suppose you would not admit that there was any substantial analogy between the two cases, would you?
It makes very little difference to anybody what the persons on a coroner's jury find; but it makes very material difference what is found with regard to the landlord's interest in the land.

4785. There is no other instance, in our judicial system, of a decision between the claims of two litigants being formed upon the personal inspection of the judge, is there?
I think most certainly not.

4786. Lord *Brabourne.*] Does not a jury, in the Court of Sewers, very often view the gates, or rather the walls of the sewers, they have to decide upon?
A view jury is common; but that is merely for the elucidation of the evidence.

4787. Does it not make a material difference, especially to a stranger, as to the time of year at which he views the land?
I think so, especially in mountainous or boggy land.

4788. Marquess of *Salisbury.*] Have you accompanied any of the Sub-Commissioners when they have viewed the land?
Two or three times.

4789. Do they maintain an absolute silence?
So far that they give no hint of what their decision will be.

4790. I suppose they ask questions?
Very few; they can see for themselves.

4791. Do they maintain absolute silence?
No; they do not maintain absolute silence.

4792. They discuss the matter, I suppose?
No; there is no discussion as to what their decision would be. They each take notes.

4793. Do they proceed with absolute taciturnity taking notes?
No; the Commissioners allow the landlord and a friend, and the tenant and a friend, to accompany them on the ground, but they limit it to these. Then they go into a field, and they ask "how many acres are there in this field." The peculiarity of the inspection is that all calculations there are made in Irish acres, while statute acres are the rule in Court; all parties probably agree between themselves how many acres there are in a particular field; the Commissioners ask the tenant whether he would like to dig a hole anywhere; the tenant digs a hole in the worst place he can select, and then the landlord gets a hole dug in the best place he can select. The inspectors then get holes dug in the place they select; they look at each other, put something down on their notes, and go into the next field and pursue the same course.

4794. Do they ask for information?
Yes, they say to the landlord "do you admit that the tenant built this house." As a rule the landlord says he does. They say "do you admit that that drain was made by the tenant," and the landlord probably says he does does not know anything about it, and the tenant says that it was.

4795. If the landlord contradicts the tenant do they proceed to cross-examine on the spot?
No; they say "we will read our notes when we get back," and they take a note of the dispute.

4796. Suppose

4796. Suppose the subject has not been entered in their notes?
A difficulty arises then; but it is the experience I gained in the few inspections I was present at that makes me say that if the valuer goes down and meets the landlord and the tenant, there will be no dispute at all in the majority of the cases; they will agree there far better and more easily than in Court.

4797. But the process in Court, as the matter is at present conducted, if it is to throw any light at all upon the questions in issue that may arise upon an inspection, must throw it by anticipation?
Yes, unless they choose to inspect beforehand, as they sometimes, but very rarely, do.

4798. As a general rule the examination in Court comes first, and the inspection afterwards; if the examination is to throw any light upon the inspection, it can only be by anticipation, can it?
That is so.

4799. Lord *Brabourne.*] I understand your evidence to come to this: first of all that you think most of these cases might be decided on the spot with great facility, and at much less expense than in Court; and, in the next place, if there is to be a Sub-Commission, one legal member, aided by a valuator, would be the better system?
Yes; that sums up my evidence on that point, except that I would prefer to have two valuers if the present system is to continue.

4800. Have you had to consider the question of arrears at all?
The arrears question in the west of Ireland is the most important of all questions.

4801. Does the question of arrears at the present time operate very much to prevent settlements between landlord and tenant?
Yes.

4802. Do you think if that question could be satisfactorily dealt with that it would promote settlements?
I think it would, especially so among the small tenants in the west of Ireland. If that question were settled, I think they would be much more disposed to settle down than they are at present.

4803. Do you think there is an incapability to pay amongst them, or a disposition to profess inability to pay, in the hope that the Legislature will aid them in the final settlement?
I think in some cases, and I may say in the majority of cases, they are unable to pay all the arrears. They may be able to pay a portion of them, but the money that ought to have gone to the landlord has been frittered away in small sums by them, consequently they are now unable to pay the two, three, or four years' arrears that they have as a burden round their necks.

4804. Is the average amount of arrears as much as three or four years?
I think they average between two and three years certainly.

4805. *Chairman.*] That is speaking of Connaught, I suppose?
Not of Connaught altogether, because there are some very good lands there, and good tenants too; but I am talking of the extreme west, the western coast, and particularly in Connemara; Donegal is just as bad, I have heard.

4806. Lord *Brabourne.*] No doubt there has been a good deal of distress among them, has there not?
Not during the last couple of years. I think in 1879 there was a good deal of distress.

4807. During the last two years I suppose the social agitation has overcome everything, has it not?
Yes. The potato crop last year was a magnificent one, owing to the introduction of new seed. That is the great crop in that part of Ireland.

4808. The money they did receive then did not go into the legitimate

pockets, I suppose; that it to say, it did not go to satisfy the arrears, as it ought to have done?

It went to the shopkeepers, or a good deal of it.

4809. Was that on account of the greater sympathy with the shopkeepers, or on account of any other reason?

I think probably the shopkeeper was harder than the landlord.

4810. Earl of *Pembroke and Montgomery.*] The shopkeeper could stop the supplies, whereas the landlord could not take away the land, you mean?

Yes; he had means of getting at the money that the landlord had not.

4811. Earl *Stanhope.*] Do you think if some proposal were made for dealing with arrears that it would give satisfaction?

I think so, both to landlord and tenant.

4812. From your experience, do you not think that if arrears were forgiven they would often recur?

I think it would be a great mistake to forgive arrears altogether.

4813. Supposing that by State assistance arrears were wiped off, do you not think that in a few years they would come back again?

I think on the west coast when the bad harvests come there would be great difficulty in getting money payment for anything.

4814. *Chairman.*] There are one or two questions arising out of your examination by Lord Salisbury as to the manner of inspection, and as to the uncertainty of the statistics which are gained by that inspection; do you ever find any difficulty arising in Court as to the areas of farms?

Yes, there are continual disputes about area.

4815. It may be a very serious thing, may it not, when the originating notice is put in stating the area of the farm at so much an acre, giving the gross rent, if it should happen that somehow on account of evidence given the area is suddenly reduced, inasmuch as the gross rental would have to be reduced to so much an acre?

Yes.

4816. And very serious loss may be occasioned in that way, may it not?

Certainly. The tenant usually gets the area from the poor law books, and these are sometimes quite incorrect. Then the landlord has only his estate map, which would enable him to contradict that. The estate map probably cannot be made evidence, owing to the fact that the man who made it is not capable of being produced.

4817. Earl *Stanhope.*] The Poor Law map does not give field and field valuation, does it?

The area in the Poor Law books is, I believe, taken from the Ordnance Survey, but I do not think that the latter gives a field and field valuation.

4818. Then it would be perfectly useless unless it is scaled off in cases such as you have described when the Sub-Commissioners go into a field and say, "what is the acreage of this field?"

That is so; but the accuracy with which a man experienced in the matter can guess the acreage of a field is perfectly astonishing.

4819. *Chairman.*] But it may very frequently happen that a landlord may have employed a valuator who will have gone *seriatim* over the different fields in a farm, and will have settled so many fields, so many acres, valued at so much; so many fields, so many acres, valued at so much; and thereby will ascertain the gross acreage, and what he believes to be the gross value of the farm, and the tenant in Court may say, "No, that is not the area of the farm at all; my area of the farm is so much less"; are any steps ever taken to ascertain in cases of dispute of that sort what the actual area of the farm is?

The rule adopted by No. 4 Sub-Commission was, that if the tenant persisted in disputing the landlord's area, and was unable to produce satisfactory evidence as to what the area was, the case was adjourned.

4820. For

4820. For what purpose was it adjourned?
For the purpose of having the true area ascertained.

4821. Who ascertained it?
The tenant then was bound to do it. It generally happened that the landlord's valuator had not made a chain survey, but had merely taken the quantities off the map, which was not in evidence; consequently we could not make use of that. The result was that the landlord was put to the expense of the adjourned trial, owing to there being no proof of the area. In other cases they dismissed the case, but generally speaking, it was adjourned.

4822. You have never seen any case where the Court insisted on splitting the difference and going on with the case, have you?
No, but in one case they insisted upon sending out a valuer under the power given under the Act. The result was that the tenants refused to pay the valuer, and the valuer had to stop after working a day; and the case had to be dismissed after about a week's delay.

4823. Who bore the costs in those cases?
I think the cases were dismissed without costs.

4824. Therefore the landlord was dragged into Court, and because the tenant did not choose to practically support and verify his statement as to the area of the farm, the landlord had to pay the costs all the same, although the case was dismissed?
Yes. In the case I allude to the tenants had employed a surveyor, but the Commissioners came to the conclusion his evidence could not be relied upon.

4825. What would you suggest in cases of that sort, where there are disputes as to the area; could not a Court surveyor be provided just as easily as a valuator?
Yes, and I think if it turned out that the area was wrongly stated in the notice the tenant should pay the expenses of the surveyor.

4826. Lord *Tyrone.*] With regard to the purchase clauses of the Act, I suppose you are of opinion that they are not workable as they are at present?
No, I do not think they are workable.

4827. Do you think that it is important that they should be made workable?
Most important.

4828. What is your opinion of the position occupied by landlord and tenant at present with respect to the ownership of the land?
I think that for the future the tenant will have from about a fourth to a third of the ownership of the soil.

4829. That is to say, that you think it a joint ownership?
It is a joint ownership.

4830. Do you consider it is possible that a joint ownership of the land can be retained in Ireland?
I am afraid it would be very difficult to retain it, for this reason, very soon from the action of bankers and local usurers, and so on, holdings will be put up for sale, and a large sum will be given for the tenant's interest in the holding; then the tenant will come in impoverished by either having paid away all his capital, or having had to borrow the sum that he paid. He cannot get at the man who has gone away with the money in his pocket, but he can get at the rent, and there will be a constant attempt to cut down the rent; that is, the landlord's share of the partnership.

4831. Therefore you think the present position of affairs cannot possibly go on, and that there will be an alteration made?
As far as I can see it will be very difficult to keep it as it is.

4832. With regard to the men who have mortgages on their properties, have you any knowledge of the position which they will be likely to be reduced to?
I think a very large proportion of the present landed gentry of Ireland will have no margin at all left.

4833. Will their properties be saleable?
I fear not.

4834. What is to happen to them in your opinion?
Ruin, I suppose. I consider that fully a third of the landlords in the West of Ireland will be almost if not quite ruined.

4835. Then will it not be necessary to make some alteration in the purchase clauses to meet such a tremendous difficulty as you have mentioned?
I think so, though it is extremely difficult to say in what direction that alteration ought to be made.

4836. I merely wish to know whether it is your opinion that an alteration is necessary?
Absolutely necessary.

4837. I also understand that you think a large proportion of landlords in Ireland would be absolutely ruined by this Act who were in comfortable circumstances before?
I think so, but you will understand that I speak of the west of Ireland only; I am not acquainted with any other portion.

4838. You think that will be the result in the portion with which you are acquainted?
Certainly.

4839. Earl of *Pembroke and Montgomery.*] I do not quite understand how you arrive at the conclusion that a tenant's interest is about a third of the value?
Supposing the landlord's interest is about 20 years' purchase of the holding, the tenant's interest will be from 10 to 15 years' purchase; at least 10.

4840. Is not 10 years' purchase rather low?
I prefer to put it low. In the north, I believe, it is much higher; but rom inquiry I have made I find that from nine to eleven years' purchase is about the average.

4841. Lord *Brabourne.*] Are you speaking of the tenant's right?
Yes.

4842. Marquess of *Salisbury.*] I suppose the public took a great interest in the proceedings of these Courts?
At first it was a most extraordinary scene; the excitement in Court was tremendous.

4843. You mean that there was an overwhelming interest manifested?
Yes.

4844. Do the spectators interrupt at all?
In the beginning, at Ballina, they interrupted a great deal. When the landlord's surveyor was giving evidence there was always a murmur when he stated the amount per acre at which he valued the land; they were in the habit of making a noise, which is very common in Ireland, which expresses disapprobation very strongly.

4845. Did they express approbation or disapprobation of the Commissioners' proceedings?
They occasionally applauded, but after the first week or ten days the Commissioners took very strong proceedings about that. I stopped and said that I could not go on with the case if manifestations of feeling were allowed in Court, and instructions were given to the police to see that they were stopped, and they were then stopped.

4846. At first the Commissioners used to make observations of a popular character, did they not?
Mr. MacCarthy used to make long addresses at the opening of the Court, which always excited approval.

4847. And

4847. And which were not exactly favourable to the landlord's interest, I gather?

No; they were not favourable, I should say.

4848. He appears to have looked upon the Act as one passed mainly in the interest of the tenant?

Clearly.

4849. And he announced his intention of administering it in that sense, did he not?

He always stated that he would give the most impartial justice, but he always informed the tenants that for the future they were safe in their holdings, and that their improvements were secured; but on one or two occasions he told them that he hoped there would be no manifestations in Court.

4850. Lord *Brabourne.*] Do you know any other Court where the judge has addressed one of the classes of suitors in those terms?

No, I do not think so. I think that at first there was an idea that the tenants would not take advantage of the Act.

4851. Earl *Stanhope.*] Was there any attempt on the part of the judges to stop disturbance and interruption?

Yes.

4852. Was the Court cleared on some occasions?

It never went so far as that; it was not necessary. As soon as strong measures were taken, that is as soon as the police were told that the Court must be conducted as an ordinary Court, the people became quiet.

4853. Lord *Brabourne.*] Do you think those addresses of Mr. MacCarthy were intended as an encouragement to the tenants to come into Court?

I could hardly say that; they were certainly ill-advised according to my opinion, but they were stopped after the first two or three sittings.

4854. *Chairman.*] Has it ever come under your notice in the Court that counsel has examined witnesses upon matters concerning the antecedents and character of the landlord, or the agent, or the tenant?

I always kept that evidence out, and it was always ruled in my favour by the Court that they would not allow any attacks on landlords or agents.

4855. It has never come under your personal notice you say?

It has often been attempted, but it has never been allowed to be proceeded with. I may say the great difficulty I had in Court was with the valuers. The valuers seem to think that land is now to be valued on quite a new principle, and a very common mistake they made was this: they valued a farm as it stood, that is, without the house. Having been informed that the tenant built the house they deducted 15 *s.* or 30 *s.* a year for the house.

4856. So that they took the improvement into account twice over?

Yes. Strangely enough that was done by landlords' valuators of considerable eminence.

4857. Marquess of *Salisbury.*] Is that under the Act of Parliament?

Yes; they believed that under the recent Act they were compelled to take that course. That happened only very recently.

4858. Do you find that valuers were impeded, through any sort of intimidation, from entirely doing their duty?

I think that a local valuer would be more than a man if he was able to give his evidence without some fear of disapprobation of the people about him.

4859. And that, therefore, the landlord has not much chance as to evidence of value?

He is in this difficulty: he must either get a local man, and run the risk of having

having evidence given which is not favourable to him, or get a man from a distance, who probably does not know the land very well; valuers, too, are greatly tempted to value the land not as they would have formerly done, but upon the scale they think the Commissioners have adopted.

4860. Does the Court give any preference to local valuers over valuers from a distance?

Sub-Commissioner No. 4 has not paid much attention to valuers at all.

4861. *Chairman.*] You had a distinct utterance to the effect that they would not do so, did you not?

Yes.

4862. Marquess of *Salisbury.*] The only thing they agreed about was this walk of inspection?

Yes, that was gone into by them in greater detail, and they took more trouble about it than other Commissioners, so far as I can ascertain.

4863. They never inspect by moonlight, do they?

No, I have asked several agents about that, and they have always stated that they thought that the inspection of No. 4 Sub-Commission was very careful.

4864. Lord *Tyrone.*] Did they inspect land when there was a good deal of water upon it?

The only instance in which I think that kind of land came before them, was on Lord Lucan's property. They adjourned those cases, and I remember the tenants stating in Court that the adjournment was very unfair, because the water would be off the land when the Commissioners came the next time.

4865. Duke of *Norfolk.*] The position of the landlords would become a very hopeless one unless some relief was given to them as might be done through the action of the purchase clauses, would it not. But apart from the question of landlords' interests, do you think, having regard to the state of the country generally, that this kind of dual ownership in land, as it exists at present, is satisfactory?

No, I think the tenants will look forward to getting more from the landlords. Then there is the great temptation to them towards the end of 15 years to deteriorate the land and try to make it look badly for the new inspection; so that for the sake of the country itself, I think it will be better that the landlord and tenant should finally dissolve partnership.

4866. So far as your experience goes, has not this state of things been brought about by recent legislation, which would make the purchase clauses desirable from a point of view that did not exist before?

Yes.

4867. And do you think that even if they were not desirable before, they would be desirable now?

Yes.

4868. And that for reasons operating not merely on behalf of the landlord?

That is so. Of course one cannot tell what the effect will be hereafter of making proprietors of that sort; but that is another question.

Adjourned to Thursday next, at Twelve o'clock.

# *Die Veneris*, 19° *Maii*, 1882.

## LORDS PRESENT:

Duke of MARLBOROUGH.
Duke of SUTHERLAND.
Marquess of SALISBURY.
Earl of PEMBROKE and MONTGOMERY.
Earl STANHOPE.
Earl CAIRNS.
Viscount HUTCHINSON.
Lord TYRONE.
Lord CARYSFORT.
Lord KENRY.
Lord BRABOURNE.

THE EARL CAIRNS, IN THE CHAIR.

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The RIGHT HONOURABLE THE EARL OF BELMORE, is called in; and Examined, as follows:

4869. *Chairman.*] YOUR Lordship owns property in some of the northern counties in Ireland, I think?

Yes. If you will allow me, I will very briefly describe what it consists of, and the terms of tenure under which I hold it. I own, in the north of Ireland, two distinct properties. One of them is in the county of Tyrone; it is an estate of between 14,000 and 15,000 statute acres; the greater part of it consists of a manor called the manor of Finagh, and I hold it in settlement in the ordinary way. It has been in my family for about 175 years, and was acquired by purchase. The greater part of it is of the ordinary character occupied by tenants, holding either by terminable leases or as yearly tenants, but there are in connection with it six townlands, some of them of considerable extent, which are held under me by fee-farm grants which were made long ago; consequently the head rents, owing to the fall in the value of money, now represent only a very small portion of the value of the land. There is also one townland which originally was of the same character, but the whole interest in it was acquired by the original purchaser very shortly after he purchased the property.

4870. Do you mean that a portion of the property held on a fee-farm rent is in the hands of the occupying tenants or other tenants?

No, it is in the hands practically of middlemen, with tenants under them. The remainder of the property, which is in the same district, is a portion of a very much larger estate which was sold in the Landed Estates Court about 30 years ago, and of that portion of the estate I am absolute owner. My other estate, which came from another branch of my family, the Corry family, is in the county Fermanagh, and upon it I reside. I have no residence upon the first-mentioned estate, and my family never had a residence upon the portion that still remains to me. The estate in Fermanagh is mostly of the character of fee-simple property, but I have only a life interest in it under my own settlements. A portion of it, however, is church land. It was originally part of the See of Clogher estate, which was a very extensive one in Fermanagh, and formerly was held upon lease renewable every 21 years, or on surrender of the lease to the Bishop at an earlier period, on payment of a fine and taking out a new lease. After the Act dealing with church property was passed about 1837 or 1838, my grandfather, who was then in possession, purchased the perpetuity by paying a considerable fine, and his sub-tenants contributed towards that fine; and until the Irish Church Act of 1869 we were tenants of the See at a fixed rent, only liable to be varied under certain conditions which never arose. After the passing

of the Church Act, I took advantage of the Act, and bought up the headrent by paying 25 per cent. of it down to the Commissioners out of my own funds, and the remainder of it was converted into a terminable annuity which, will end at the end of 32 years, I think, from the time that the composition was made. The terminable annuity exceeds the old head rent by a few pounds. I have also a small head rent in the county of Monaghan.

4871. Perhaps, without going into detail, you will allow me to ask you generally a question; you have possibly read the Report of the Committee which they have made and in which they have spoken on the subject of purchases made by occupying tenants?

Yes.

4872. You have considered that question, I have no doubt, very much?

I have considered that question for a very long time.

4873. Have you any observations you would like to make upon the proposals the Committee have suggested?

Yes, I should like to make some observations upon that matter; but, perhaps you will allow me to state what I have done in endeavouring to carry out the clauses of the Act of last year. Last autumn I issued a circular to my tenants on my Tyrone estate (where I do not reside), offering to grant to any tenant who liked it a fee-farm grant of his farm, fining down either the whole of the rent (at a rate which might be agreed upon between us), or if he preferred it, and it was more convenient to him, fining down a portion of his rent, and paying the balance as a fixed sum. I had done something of this sort many years ago, on the portion of the estate over which I had absolute power, to a limited extent, and I drew my tenants' attention to what I had done. In response to that offer I had a certain number of applications; I do not know whether your Lordships would care that I should state them.

4874. No, we do not wish the details only so far as they establish any principle; have you completed any purchases?

No, I have not yet completed any purchases. Perhaps you will allow me to state the reason why they are not yet completed. In one case, the tenant having agreed to my terms, and been called upon to sign the formal proposal which the Land Commissioners require before they will grant a loan, papers were sent to him, and his solicitor informed my solicitor that he was unable to raise the balance of the fine out of his own resources, and therefore that matter is in suspense for the present. In another case, the tenant since making the offer has endeavoured to re-open the bargain, and as it was a very small matter, I told him I was not prepared to let him re-open it, but if he chose to cry off altogether I had no objection, and I have heard no more of that case. The other cases are in suspense for another reason, and that is the difficulty that has arisen as to carrying out the 24th section of the Act; that is the one with regard to limited owners and leasing powers.

4875. What are the difficulties you refer to?

The difficulties that have arisen are these: the 10th section is very loosely drawn, and its interpretation is doubtful, and may lead to much confusion. In the Act of 1870 it was enacted by Section 30 that the powers of leasing thereby conferred were to be deemed to be in addition to any other powers which a limited owner might possess. There is no similar provision in the Act of 1881. The following questions suggest themselves on Section 10: first, could the landlord and tenant of a present tenancy now contract for a lease of over 31 years, save with the sanction of the Court; secondly, could the landlord and tenant of a future tenancy do so; thirdly, the Court is bound, if there is a subsisting tenancy, to consider the interest of the tenant, and, if there is a limited owner, to consider subsequent interests; but why should the Court's sanction be needed in any other case? By Sections 11 and 12 an absolute owner can create fixed tenancies, subject to a fee-farm rent not subject to re-valuation, without the sanction of the Court. It would thus appear that there is more difficulty about the grant of a judicial lease than a fixed tenancy. Why should this be? Section 23 confers

confers on a limited owner the powers which an absolute owner might exercise under the Act subject to the sanction of the Court. Does this enable a limited owner to make judicial leases and fixed tenancies without regard to conditions of his leasing power? I may say, in addition to that, that before we proceeded to take any steps to have the leases drafted, I applied to the Commissioners to know whether they advised me to proceed under the 26th section of the Act, which is the section that enables the Court to buy and to re-sell to the tenants, or to proceed under the 24th section of the Act, and I asked them whether they were prepared to consider a single holding as an estate. The reply I got was that if I wished it they would consider a single holding as an estate, but that they preferred and advised that I should proceed under the 24th section of the Act.

4876. Have you had any experience of the working of the Sub-Commissions in the settling of fair rents?

I have not had any cases actually tried in court. I have had a great number of notices served upon me on my Tyrone estate; I have only had one or two on the other. I have endeavoured, at the request of some of my tenants (which was made after they found, by the decision of the Land Commissioners, that the tenants were liable, *primâ facie*, to pay their own costs), to settle out of court. I said that I was willing to try and do so, and in the absence of any basis that we could understand, we were obliged to take the Government valuation, and to add a per-centage to it.

4877. By the Government valuation you mean Griffith's valuation?

Griffith's valuation of the land, setting aside the houses, and adding a per-centage to it. I think about 70 persons applied. I do not know that they were exactly the same persons as had served notices originally; probably most of them were, and there might have been a few who were not. Out of those 70 persons only 20 accepted the offer I made them, and which was made after a very careful examination of each case by my agent, who knows the circumstances of the farms of course better than I do myself.

4878. Then the result was that on your own property you have not had any cases tried in court?

I have not had any cases tried in court yet.

4879. You have settled a certain number, about 20 you say, out of court?

I have so far settled them that the tenants have agreed; but we have not had the judicial forms completed yet.

4880. Lord *Tyrone.*] The statutory terms are not signed yet, you mean?

The statutory terms are not signed yet.

4881. Therefore it is in the power of the tenants to go back upon their agreement, is it not?

I suppose it is.

4882. *Chairman.*] In your part of the country have there been many cases in which judicial rents have been fixed by the court?

I think in Tyrone there have been a good many cases. In Fermanagh I do not think there can have been a great many cases about my own immediate neighbourhood, because, on the first occasion that the Commissioners came round they really had but time to hear a very few cases in the time they were there, and they were then taken away to another part of Ireland; we have had three sets of Commissioners in Fermanagh already, or at least we have the third set now beginning to work.

4883. Lord *Tyrone.*] Do you think the removing of the Commissioners from one place to another is injurious, or do you think that it would be better that the Commissioners should remain where they had learnt the circumstances of the district?

I think it would be better.

4884. Have you anything further that you wish to bring before the Committee?

There are one or two points I should like to bring before the Committee. I was asked by the Chairman whether I had read the Report that was issued the other day, and there is one point upon which I should like to make a remark. I think, that although I quite agree with all that has been stated in that Report, with regard to the purchase clauses, we ought to go rather further, and that we should give power to owners of land to call upon the Government, in case an owner has failed to agree with his tenants for a sale, to purchase from him at some reasonable rent, which might be fixed by Parliament, or rather the basis of arriving at it might be fixed by Parliament, and the reason I say so is, because, as I stated just now, having agreed with a tenant for a purchase, he has gone back upon his bargain (I have his letter here), and made another proposition, which was, in my view, entirely unreasonable, endeavouring to reduce the amount of his purchase money, I think, by about two-fifths.

4885. But that is with regard to a purchase under the Act of 1881 as it is at present?
As it is at present, or as it would be in any case.

4886. But might not the inducements to buy be increased if our suggestion was adopted, and might not that make the tenant much more inclined to buy than he would be at present?
It might make him more inclined, but I do not think it would be sufficient inducement. I think that, at present, tenants are not disposed to purchase their holdings; they expect great reductions, and that they can then buy cheaper if they wish.

4887. With regard to your proposition as to making the Commissioners buy from the landlord, where he has failed to agree with his tenants, I suppose you propose that the Commissioners should then sell to the tenants; you do not propose that the Commissioners should remain as landlords, do you?
I should propose that they should ultimately sell to the tenants; but of course, unless you make the matter compulsory, it may so happen that the Commissioners would have to hold the lands for a time; but my idea is that if the tenants knew that if they would not agree with the landlord, the landlord would have the power of handing them over to the State as a landlord, they would then probably agree to reasonable terms.

4888. Do you not think it would be an extremely dangerous thing to bring in the question of compulsion at all?
I do not think you do bring in compulsion.

4889. If you bring in compulsion to the tenant you should surely bring it in to the landlord as well, should you not?
I do not propose to bring it in to the tenant; I only propose to bring it in as regards the State.

4890. You then propose to make the State the landlord?
If the tenant will not buy from them.

4891. You do not look forward to the certainty of the tenants buying, but only to the possibility of the tenants buying?
I look forward to the probability of the tenants buying when they think that they can no longer get better terms by holding out.

4892. Then if your proposition was carried out, any landlord in Ireland could call upon the State at once to buy?
Exactly so.

4893. Lord *Brabourne.*] Then in fact, you would shift the inconvenience experienced now by the landlord on to the State?
I would.

4894. Lord *Tyrone.*] Would not that be to embark in an enormously large and dangerous undertaking?
I do not think so.

4895. Might not the whole of the land of Ireland be at once brought into the market?

No; I do not think there would be the slightest chance of that, because I feel quite sure that Parliament would not authorise such terms to be given to the landlord as would render the transaction a losing one to the Exchequer, and I do not think that many landlords would be willing to sell upon terms that were not such as would give them an income, at any rate, somewhat approaching that which they now possess.

4896. You are aware that in our preliminary Report there is no mention of the number of years' purchase?

Yes, I believe that is so.

4897. According to your theory, there would be a hard-and-fast line.

As a minimum, of course, there must be. Either a hard-and-fast line must be drawn, or else some general powers must be given to somebody or to some tribunal to fix the valuation at which the sale should take place.

4898. Marquess of *Salisbury.*] What tribunal would you like to entrust with that power?

The tribunal that had to conduct the purchase. I do not think the landlord could complain, if he had this power given to him, that the party to whom he was to sell, namely, the State, should be able to say, We will certainly buy from you, but we will not give more than a minimum amount of purchase, which will enable us presumably not to lose anything pecuniarily by the transaction. I would suppose that the tribunal would probably fix a lower rate, and that it should be authorised to fix a somewhat lower rate than what might be expected to be given by a tenant if the tenant and the landlord were able to agree directly between themselves.

4899. Earl of *Pembroke and Montgomery.*] Has it never occurred to you that if you had a hard-and-fast line of that sort laid down by Parliament that you might, and probably would, have at once an agitation set on foot for compulsory sale?

I cannot answer that question; I think the difficulty at present is to get people to purchase.

4900. Lord *Tyrone.*] With regard to the hard-and-fast line, do you not think that it would be extremely unfair to name a certain number of years' purchase, taking into consideration the different classes of property, the different classes of land, and, I may say, the different amounts of rent paid for the same class of land all over Ireland?

I do not think you could possibly, in an Act of Parliament, say that land is to be sold at 20 or 22 years' purchase; but you might arrive at what would be a fair number of years' purchase in any particular locality through the medium of Griffith's valuation, adding to it a certain amount, which could easily be ascertained, I imagine, in the Valuation Office; because that was, no doubt, a scientific valuation, and it bore some reference to the letting value of land in each county; and I am informed that by searching the books in that office, and particularly by examining the field books, with a little trouble, what ought to be added to Griffith's valuation might be ascertained for any particular district.

4901. You would have to add a very large sum of money to Griffith's valuation in the south compared with what you would in the north, would you not?

I believe that would be the case. As far as I have been able to ascertain from all the inquiries I have made, there is a very great difference between the south and the north. In the north itself, there is also a considerable difference. For instance, in the county in which I live (Fermanagh), about 2 *s.* 6 *d.* or 3 *s.* in the £. added to Griffith's valuation of the land at the time that it was made was considered a fair rent; whereas, in the county of Armagh, I believe it is admitted by almost everybody that Griffith's valuation, which was made for that county last of all, was about what would be considered a fair rent; and, in fact, a very extensive agent, himself also a landowner, landowner remarked

to me the other day that he only wished he could get Griffith's valuation as a rent, and that without any reference to what the Sub-Commissioners are doing.

4902. Are you aware that the amount of years' purchase paid in the Encumbered Estates Court, in different districts, we will say, up to the bad times beginning, varied extremely?

I could not give you a definite answer to that question. I have been in the Encumbered Estates Court myself, but I do not profess to know much of what was done outside the north of Ireland.

4903. Might not a man be prepared to buy, in a quiet, peaceable county, at a larger number of years' purchase than that at which he would be prepared to buy in a very disturbed part of Ireland?

I think it is very likely that a man would be willing to buy at a greater number of years' purchase in my neighbourhood about Enniskillen, than within 16 or 18 miles of me, in the county of Leitrim.

4904. Therefore, how could you possibly arrive at a hard-and-fast line under those circumstances?

If the thing is to be done, you must have some basis to go upon. Of course I assume that the landlord is not bound to sell unless he wishes to do so.

4905. As far as the basis goes, do you not think, if you go upon a basis, it should be a correct basis?

I think it is a correct basis. I think it is the only basis that you could go upon. You must take some standard to start from.

4906. If the standard varies so materially in different counties and different districts of the same county, how can it be a correct basis?

I imagine the valuation was made not with regard to the peaceable state or otherwise of the county, but upon what the land was supposed to be capable of producing.

4907. That is quite so, but then the standard has been altered by the state of unrest which has been developed in certain districts?

The only answer I can give to your question is that I do not propose that any proprietor should be compelled to sell if he does not like to do so; and that if he thinks that the sum that the court would be authorised to pay him, based in some way upon Griffith's valuation, is not sufficient, he is not bound to apply to the court to purchase; but I do not think that in dealing with the state in that way you can take anything else into consideration than what the land will practically produce.

4908. With regard to the decisions given by the Assistant Commissioners, have you formed any opinion as to their effect upon the landlords' interests in Ireland?

I think the landlords' interests are very much damnified by them. I assume that when my cases are heard I shall be treated as other persons have been treated, and that probably my tenants will receive some reduction. Of course I cannot say exactly how much, but one can see what is being done on neighbouring estates. Before the year 1877 I had hardly any arrear on my estate in Tyrone, which leads me to suppose that it was fairly let; and I may strengthen that opinion by saying that on the occasion of a tenant of mine wishing to sell his farm about that time with my consent, he put an advertisement in the paper in which he called his rent a nominal rent. I therefore think that my estate was fairly enough let, and my agent was of opinion that in some respects it was underlet, and although I did not think it was wise to attempt to raise the rents, yet I do think that it would not have been unreasonable if the good times up to 1877 had continued, that a certain addition to the rental should have been made, which would have increased the capitalized value of the property by about 10,000 *l.* The result of this Act, doing away with competitive rents, is such that I am afraid that instead of getting any increase of value, I am likely to have the property deteriorated; and even in these 20 cases in which I have agreed with the tenants, although the reductions are not very considerable, yet even in those few cases

(20 cases out of some hundreds of cases of tenants on the estate) the deterioration of the property will amount almost exactly to about 1,000 *l.*

4909. Do you think that the administration of the Act will be likely to ruin a large number of landlords who have charges upon their properties?

Of course, if the charges, together with the outgoings, in any way approach the rental, it would do so. Perhaps without referring to other people you will allow me to refer to my own estate in Fermanagh. The only encumbrance, strictly speaking, upon it is the proportion of the jointure that is paid to my mother, but it is subject to some head rents, and there are the instalments of the church land mortgage to be paid; the result of which is that by the time I have paid my mother any rateable proportion of her jointure (which is chargeable, of course, over the whole of my estates), and my rates and taxes, I receive less than (I think) a one-fifth of the rental into my own pocket; consequently if I were reduced to the extent of 20 per cent., so long as my mother lived, I should receive no actual value out of, practically, an unencumbered estate; 25 per cent. would, of course, make me a still larger loser for the time. When the jointure dropped, or, if certain leases fell in, which are very much below the value of the property, there might be some rise. Before the Act passed I should have said that there would be a rise. Of course I cannot tell what view may be taken under what is called "Healy's Clause," of my rights and the tenants' rights respectively in those leased lands.

4910. Lord *Brabourne.*] Can you tells us what the average reductions in Tyrone have been?

I believe the judical rents at first hovered somewhat about Griffith's valuation or a little over Griffith's valuation. I hear now that the present Commissioners are making the reductions still heavier than they were, but it is difficult to state what the average reductions are, because the circumstances of various properties vary so much. For instance, as I said before, I had once a very much larger estate in Tyrone than I have now, and the persons who bought that portion of my estate which was sold, and which amounted to several thousand pounds a year, I believe, raised their rents very considerably, while my rents were only moderately raised, generally as leases fell in, and I should expect that some of the reductions on those lands were very heavy.

4911. Can you tell us whether, within your knowledge, rents have been materially reduced by the Commissioners which have been paid for many years previously?

As regards the nighbourhood of my own property, I cannot answer that question. I have some information with regard to property in the county Armagh, which one of my agents own; it is his own property, and on some holdings, heavy reductions have taken place.

4912. Have the rents there been paid for a number of years?

I believe so.

4913. You are not able to tell us whether there is a difference in reduction made in rents which come under the category of those you mentioned of properties lately purchased and rents that have been paid for a considerable time?

I can only give you the impression of persons in the country; I could not give it of my own knowledge. The general impression is that a landlord who raised his rents some years ago is fortunate now, and that he will not suffer as much as one who has not raised his rents.

4914. At all events, the effect of the decisions has not been such as to tranquilise the landlord's mind, has it?

No, and at the same time from what I see in the papers, I do not think the tenants are on the other hand satisfied that they have got enough.

4915. Duke of *Marlborough.*] Do you not see from your knowledge of Ireland generally, any objection to the State becoming a large landed proprietor and landlord in the country?

No, I have considered that matter, and I confess I do not see any great

objection to it. I know that objections are made with a certain amount of plausibility, but I do not think that they have any great force. I think the State is in a very different position to an ordinary proprietor in the case of owning land.

4916. There is a good deal of irritation existing, is there not, whenever there is a large landed absentee proprietor?

It is said so in the newspapers. I am practically, as regards my largest property, an absentee proprietor. I very seldom visit the property, and I have always been on very good terms with the tenants.

4917. But you live in the country, do you not?

I live in a neighbouring county.

4918. Do you not think there would be a very great difference between a landlord who owns two properties in Ireland and lives on one of them, though he may not very often visit the other, and the landlord who would be practically never seen or known in Ireland, and who would take every sixpence of his money out of the country?

No, I do not think so. I think on some of the absentee estates things go on as well as on estates on which the landlord resides, particularly if the landlord happens to be an unpopular person. Then you must remember, under this proposition that I make, in any case the tenants would have the power by their mere act of converting these rents into terminable annuities; which, of course, in a certain number of years, 52 years or so, would absolutely cease.

4919. Earl of *Pembroke and Montgomery.*] I suppose that you think the tenants would not have the personal feeling for or against the State that they have for a landlord?

I do not think they would; I think the experience, such as it was, of the sales of the glebe lands shows no such feeling. I believe there was never the slightest difficulty in collecting those instalments without an agent, and if it had not been for the unfortunate state of agitation that has recently prevailed, I do not think there would have been any attempt to go back upon the bargains then made.

4920. Duke of *Marlborough.*] In that case the rents were paid to a fund known to be an Irish fund and applicable to Irish purposes; in the other case it is money that would be paid to the Consolidated Fund, and go out of the country altogether?

I do not think it makes really any difference; besides which, a considerable part of the Consolidated Fund is spent in Ireland.

4921. Marquess of *Salisbury.*] Have you had much difficulty in collecting your rents this last time?

Yes, on my Tyrone estate there was a good deal of difficulty. I do not think it arose so much from any one cause as from a variety of causes; we had, unfortunately, a contested election shortly before the harvest in Tyrone last year, and Mr. Parnell came down and held meetings over the country. There is no doubt that in Tyrone the people felt the effects of the bad harvest of 1879 considerably; added to which they are also, in my opinion, and in that of other people who are competent to speak, suffering from the effects of the Land Act of 1870, which inflated their credit unduly, and induced them to borrow money largely from money lenders and to go into debt to shopkeepers; they forgot that the valuable interest in their farms which gave them this credit, only arose when they wished to part with their farms and realise the value of them. Those two causes together made the collection of rents more difficult last year than it has been in my memory since I came of age, or since the famine time.

4922. In the end did they generally pay their rents?

During the present spring, with difficulty I have got about as much as I had this time last year; but there is a larger arrear on the four previous years still outstanding than I have had since I came of age in 1856.

4923. May I ask, without indiscretion, what sort of proportion to the whole income the arrear bears?

When

When my agent passed his account up to March 1881, at Christmas last, There was the usual hanging gale which, owing to the nature of the crops in Tyrone, principally the flax crop, I cannot very well avoid; there was then something under half-a-year's rent in value in arrear, there having been at a similar period five years ago only about $2\frac{1}{2}$ per cent. of the whole estate in arrear, or a little over 200 *l.*

4924. About 50 per cent. in value of the tenants had not paid up?
Not quite 50 per cent., but approaching 50 per cent.; the accumulated arrear of several years.

4925. Would you say that this was mainly on large farms, or on small?
All sorts of farms.

4926. You could not indicate any class of farmer amongst whom the difficulty of paying mostly prevailed?
I think the men depending most upon flax probably are those who would find the most difficulty in paying, because, unfortunately, in that part of the country tenants of late years have got to lean very largely upon flax. They grow flax too often on the same ground, and the value of flax has greatly decreased even within my own memory. A few years ago first class flax, at any rate, would fetch 7 *s.* 6 *d.* a stone; they tell me now that in Omagh market you cannot get more than about 4 *s.* 6 *d.* a stone for it; and I understand that a change has come over the flax trade. I am told that cotton goods are to a considerable extent ousting linen in the north of Ireland. I am also told, and that I learned from one of my own tenants whose son is engaged in the business, that a considerable quantity of flax, after being scutched in Belfast, instead of being worked up there entirely, as formerly, is sent to Belgium, there to undergo another process, having, of course, freight to pay, and that it is then sent back, with a second freight to pay, to be finished off in Belfast.

4927. The final process cannot be done in Ireland, you mean?
It cannot be done so cheaply or so well in Belfast. My tenant's son is engaged as an agent in Belgium in this business.

4928. You did not observe that the small tenants had any more difficulty in paying than the large ones?
I think they will nearly all pay if they can; they all grow flax, more or less. The smaller tenants who used to pay out of pigs, generally would pay twice a year, when the larger tenants would, if they could, only pay once a year. The pig trade suffered three or four years ago very much by American competition, but I believe that is over now as regards pigs at any rate, and as regards some other things besides, and that pigs are now selling very well again.

4929. I suppose that of the 50 per cent. who did pay, a good many must have paid with considerable effort?
Some of them possibly, and some of them probably, were in arrear before, and we took a portion; I think we even took as little as a half-year's rent from some people, rather than take proceedings. It is always better not to take proceedings if it can be avoided.

4930. Do you think that they pay by neglecting their other debts, or by borrowing from anybody who might be willing to lend to them?
I suspect that the shopkeepers have got pretty well as much as they are likely to get out of them now.

4931. You think that you came after the shopkeepers?
I think probably last year I did; I do not think formerly I used to. I think that possibly the shopkeepers may have been very hard hit. I have a tenant who is connected with a very good farm on my estate, and who is also a shopkeeper in Omagh; he is a most respectable man, and he has been on the verge of insolvency, though I believe he will pull through; I understand that he had a very large sum indeed (for a man of his class) out amongst the country people and amongst shopkeepers, some of which he will probably lose.

4932. Do you mean a large sum owing to the country shopkeepers?
No, owing to him by the country shopkeepers.

4933. Are the bankers or owners of money, whatever their station may be, very much in that position that they have large sums out either among shopkeepers or tenants?

I should fancy that the banks have got their money back pretty much. There is very little credit now. There is a large sum, I believe, in the Omagh banks belonging to a limited class. There are a certain number of cattle dealers who buy cattle in Ireland and take them to England; I believe they have a great deal of money, and that they have had a very good business lately, and some of their larger customers have also done well lately. The price of cattle is at the present time very high, and it has been very high for some time.

4934. Those people lend their money out, or used to, do they not?

I cannot answer that question exactly. There was a great deal of money formerly lent out by usurers; whether there is so much out now or not I should think is doubtful; the credit of the country is very much gone.

4935. Have you heard what effect upon the payment of rents the announcement that a portion of the arrears will be paid out of public funds has had, or what portion of the 50 per cent. may be due to that, if any?

There has been hardly time enough for me to form an opinion upon that. My agent informs me that he thinks that if the public funds were not used in the nature of a gift, that the landlords in time would have got their rents except in the case of widows with young families, where they must naturally expect to forego them to a certain extent. I do not express any opinion upon the policy of what is going to be done; but my own opinion is that if anything is to be done it is no use trying loans again, because I do not think it was worth the while of either party to involve themselves in loans at eight per cent., as was proposed under the Bill of last year. I would certainly rather run the risk of losing the arrear.

4936. What do you think of the proposal to let the money out at one per cent., which I believe was announced by persons of some consideration?

I do not remember that proposal.

4937. In the course of the present year, you did not hear the proposal on the part of the representatives in the north of Ireland that the money should he lent at one per cent.?

I may have done so, but I do not carry it in my mind.

4938. Is it your impression that the 50 per cent. who have paid (it may be with some difficulty) will look with entire complacency upon their neighbours, who have not paid, escaping scot free by the help of the State?

No, I should think not.

4939. Do you not think that they will probably desire to share such a benefit themselves?

Yes; I have observed that if you do anything for one tenant, every other tenant in the district expects you to do the same for him as a rule, except it is a case of a poor widow, who everybody knows is an exception to the rule.

4940. Going upon that general principle, those who have made an effort to pay honestly will think it rather hard that they have come off worst, because those who have not made an effort to pay honestly have succeeded in evading their debts, will they not?

It will be so, if the impression gets abroad that persons have succeeded in wilfully evading debts that they are really able to pay.

4941. Lord *Brabourne.*] There will be a great advantage given, will there not, by the State to those who have not paid over those who have paid?

I think there will be. As I understand what has been announced, the relief is only to be granted to those who are unable to pay. It will be extremely difficult for the Land Commissioners to determine whether a man can pay, or whether he is wilfully concealing the state of his affairs.

4942. Marquess of *Salisbury.*] I suppose what you mean by a man being able to pay is, able to pay without selling the value of his holding?

Yes.

4943. But under any other law of insolvency that would clearly form part of his assets?

Yes.

4944. Lord *Tyrone.*] I understood you to say in answer to the noble Lord, that it was all classes of tenants who had suffered in your district in the north?

In Tyrone; I said it was the classes of tenants who lean upon flax; my tenants in Fermanagh do not rely upon flax. They rely mainly upon butter and cattle, and they are in very good circumstances, and have paid very well.

4945. My question referred more to the size of the holdings than to the occupation of the tenant. I understood you to say that men on holdings of all sizes had suffered much in the same degree?

Yes; I think that in some cases men with large holdings are in a worse position than the men with the small holdings, for a man who has to pay me, for instance, 125 *l.* for a year's rent (and I have one tenant at any rate who pays that), would naturally have more difficulty to make up that sum than a man who only had to pay 10 *l.*; possibly two or three pigs would pay the rent in the one case.

4946. Lord *Brabourne.*] Are most of the holdings more than 30 *l.* or less than 30 *l.*?

Without referring to my rental I could not tell you that. I can say generally that I have a good many holdings which exceed 30 *l.*, and I have a great many which do not.

4947. Lord *Tyrone.*] You said just now in answer to a question, that you thought those that had paid with great difficulty would probably think themselves badly treated; do you not think that those who pay over 30 *l.*, and who are in arrear, will think themselves equally badly treated?

Yes, I should think so; I do not see why you should draw the line at 30 *l.*

4948. Do you consider that the men holding farms over 30 *l.* rental have had just as great hardships to put up with in respect to making two ends meet, as the men under 30 *l.*?

I should think quite so, and in some cases perhaps more.

4949. Therefore, I suppose that you would say, that if any boon is to be given of this sort the line should not be drawn at 30 *l.*?

Yes, I am rather inclined to agree with you in that matter.

4950. Do you not think that if this measure is intended for the purpose of settling down the affairs of Ireland, that there will be an immense margin of the strongest men in the country, that is to say, the largest class of tenants, who will be left out in the cold, and will be likely to go on with an agitation?

I think there will be a large number of persons who will not get the benefit of this Bill if it passes. I cannot tell you what they will do. I am not connected with a district where there has been any very serious agitation.

4951. May I take it that your impression would be, that taking into consideration the number of tenants who have paid their rent with great difficulty, and the number of tenants who are in arrear over 30 *l.*, that there is likely to be a nucleus for a fresh agitation?

Yes, I should think there would be.

4952. Earl of *Pembroke and Montgomery.*] Have you had any of the "no rent" circulars issued on your estate?

I cannot speak positively as to whether any have been issued on my estate; I believe there has been "no rent" circulars issued by the Ladies' Land League in the neighbourhood lately.

4953. *Chairman.*] How lately?

Very lately; within the last three months, from what I hear, but I could not learn from my agent that there had been any (and, if any, very few) actually on my own estate, but I think I may say that owing to the terms on which I live with my tenants, and from the fact of there being a very large number of

different religions on the estate, the Land League has not such a hold, I believe, as it would have on estates which are differently circumstanced.

4954. Earl *Stanhope.*] Having had the advantage of three sets of Sub-Commissioners acting in your neighbourhood, have you found out whether any of them acted upon any principles about reduction?

We have never been able to discover what the principles are exactly.

4955. Marquess of *Salisbury.*] The boldest theorist has not advanced any kind of formula, has he?

I am told that it is impossible for the Sub-Commissioners to announce what the principles are, and I have not heard anybody who can speak with any certainty as to what principles they go upon. They seem almost always to reduce; in some instances there have been no reductions, and in a few instances there may have been a slight increase, but those cases are very few.

4956. Have you any idea of the principles upon which the counsel argue, which is the next door to it?

I could not put it into definite language.

4957. Earl of *Pembroke and Montgomery.*] Have you noticed any general correspondence between the value of the tenant's improvements and the reductions in rent that have been made by the Sub-Commissioners upon the rental?

That is rather a difficult question to answer, I think.

4958. *Chairman.*] Does the custom of Ulster prevail on your property?

Yes, generally speaking. In Fermanagh I have some town parks, and I have a good deal of land in my own hands, but generally speaking the Ulster custom prevails, and the improvements have been usually done by the tenants. In old leases, leases of the last century, I consider that there was a consideration given to the tenants in the shape of a lower rent, because I find clauses in the leases which provided that if certain things which were in those days considered improvements, such as making fences and building houses, were not done, the rent was to be raised. In my own time I used formerly, before the Act of 1870, generally when a man applied, to make him an allowance of a half year's rent; it was not always exactly that, but it generally amounted to that.

4959. Lord *Brabourne.*] In the case you mention, if the rent is reduced by the Sub-Commissioners, the practical effect will be that a consideration will have been given twice over, will it not?

If the Sub-Commissioners do not take any allowance into consideration that is so. I am not prepared to say that if I can prove the allowance (which I can do in the limited number of instances in which I made it) that the Court will refuse to take it into consideration. I have had no experience of that.

4960. If a consideration has been given in the rent, and the rent has been afterwards reduced by reason of the value of the improvement, clearly the consideration will have been given twice, will it not?

Yes, I think so. I think if land was let upon such terms as implied that the tenant was to make certain improvements (as was certainly the intention in my old leases), and the rent was at a lower rate for a very long period (the old leases being for three lives, I believe, in Tyrone); if in spite of that I were to get no benefit from the increased value of the land, owing to the different circumstances of these times, the consideration would have been given to the tenant twice over. We hear about the improvements of tenants, and I admit that in modern times tenants have made improvements, but I always maintain very strongly that all the improvements, or almost all the improvements, of old times are exhausted, whether they were made by the tenant or by the landlord.

4961. Has it been the custom in Ireland in recent times to let land upon the condition of certain improvements being made?

In my own experience I think not.

4962. I think you have already said that you do not trace any connection between the reductions made and the value of the tenants' improvements?

So

So far as any information I have gained from reading the newspapers, and what I have heard goes, I do not. I have seen it sometimes stated that the Court fixed the rent at so much, having taken into consideration that certain improvements were made, stating it in more or less general terms, but beyond that I cannot say that I trace any connection between the two. There are one or two other points I would like to mention. One point is with regard to the procedure in the way of obtaining loans from the Commissioners in connection with the purchase clauses.

4963. Under the Act of last year?

Yes, in connection with the purchase clauses for some reason that I am not aware of, the Court requires that the application for the loan to the tenant should be made by the landlord, and although I do not know what their reason for making that rule is, it seems to me that it is reversing the natural order of things, and that the application should be made by the tenant; that the landlord should afterwards be called upon to do what the tenant is now called upon to do, viz., to sign the paper they issue, which constitutes an agreement, and that the fee which they require to be paid for a personal inspection of the lands by one of their inspectors should be paid by the tenant and not by the landlord, who is not getting the loan. That is one point. Another point is with regard to the powers of sale which are not possessed by the Commissioners of Education, for Endowed Schools, of whom I am one, and which are possessed by any other landlord. The Commissioners of Education hold estates in various parts of Ireland, and the Board have come to the conclusion that it would be very desirable if they could do so, to sell a portion of their estates, and invest in other securities: but I believe that before I joined the Board they considered that they did not come under the Bright Clauses of the Act of 1870, and they have no power to sell in the Landed Estates Court; and we have urged upon the Lord Lieutenant in our report, which is now in the course of being signed, that we ought to have the same power as an absolute owner (subject, however, to certain restrictions), as we do not believe that our tenants would be willing to purchase from us. Then with regard to the local taxes, I observe that it was stated by Mr. O'Brien, that he considered in the case of a rent of 50 *l.*, a sum of 5 *l.* ought to be added as the extra amount the tenant would have to pay for local taxes if he were the purchaser, that amount being now payable by the landlord. I suppose he based that upon some particular districts of the country, but certainly as regards the district of the country with which I am connected, that is entirely an erroneous statement. I do not think the proportion that I have to pay in Tyrone, of local taxes, would amount probably to more than 2 *l.*, if as much on a 50 *l.* rent, because in almost every instance the tenant pays the whole of the county cess, and all that I have to pay in the way of local taxes as distinct from income tax, is half the poor rate, and the poor rate is not very high there. Then with regard to the quit rents, it has been stated by Mr. O'Brien that the Commissioners of Woods charge 28 years' purchase upon small quit rents when they are redeemed, but that they charge less upon large quit rents. I happen recently, within the last two years, to have redeemed my quit rents, and find, that the Commissioners of Woods charge 28 years' purchase upon any quit rent, which appears to be a very considerable sum; but it answered my purpose to redeem them, and I did so. Then some evidence was given with regard to the question of head rents, which to me is a very important one. I think it has been stated that it would not do (and I quite agree with that evidence) in the case of tenants purchasing, that head rents should be divided. Now I own head rents over six townlands in Tyrone, some of which have a very large number of tenants under middlemen, and the value of my proportion of head rent (which is perfectly secured now, and regularly paid) would be very much deteriorated if instead of having to look to one person I had to look to 50 or 60 persons to pay, say, 10 *l.* Irish a year; and I would suggest that in the case of sales to tenants, the landlord should be obliged to compound for his head rent upon certain terms, which should vary according to the proportion the head rent bears to the value of the land in the hands of the middleman. For instance, I think, in a case where the head rent

is only 10 *l.* a year, and the rental is 500 *l.* a year, it would be very fair that the landlord should get 25 years' purchase; but where the headrent (as is the case with what was another part of my property, but which I sold, myself, a few years ago) very nearly equals the middleman's interest, I think a lower value should be paid to the landlord. I may say that in the case I referred to, I sold a head rent of 116 *l.* a year where the middleman's interest was, I think, only 126 *l.* or thereabouts, for 20½ years' purchase in the Landed Estates Court by public auction.

4964. *Chairman.*] You spoke of the Commissioners of Education not having power to sell; but is that so?

I think so.

4965. What is the meaning of this clause, "Any body corporate, public company, trustees for charities, commissioners, or trustees for collegiate, or other public purposes, or any person having a limited interest in an estate, or any right or interest therein, may sell the same to the Land Commission"?

It certainly is the opinion of the Board (and, as you are probably aware, we have some lawyers of great experience upon the Board) that we have no power to sell, except the tenants are willing to purchase. We have the late Lord Chancellor upon the Board, and also Mr. Piggott, who is a very experienced lawyer, and Master of the Exchequer in Ireland; and in the report that we are now sending in, we are asking the Government to give us those powers.

MR. RICHARD ADAMS is called in; and Examined, as follows:

4966. You are, I believe, a member of the Irish Bar?

I am.

4967. Have you paid much attention to the working of the Land Act of 1881?

I have paid some attention to it in my professional business.

4968. In what capacity have you had experience of it?

I have been before several Sub-Commissions, one at Naas, Athy, and Balbriggan, which was presided over by Mr. Foley. Thomastown was another; that was presided over by Mr. Riordan; and Kilmainham another, which was presided over by Mr. Kane; and I have been also several times before the Chief Commissioners. I may say that all the Sub-Commissions which I attended were in the province of Leinster, and in the neighbourhood of Dublin, or comparatively so, that is to say, within a range of 70 or 80 miles of Dublin.

4969. Before those Sub-Commissions did you generally appear for landlords, or tenants, or both?

I appeared for tenants in every case but one. In one case I appeared for the landlord, and the case was settled before it was called on.

4970. Have you had any experience of cases which have been settled by arrangement out of Court?

Curiously enough I have had only the experience of the one case which I have already mentioned, or rather I should say three cases of one landlord, which were to have come before the Balbriggan Sub-Commission, and those cases were settled out of Court. The solicitor on the other side and my solicitor and I had a conference, and we fixed upon what we thought would be a fair rent, and the landlord and the tenant assented to it.

4971. According to the experience you have had of the Sub-Commissions you refer to, are you able to express, in any form which could be stated in words, the principle upon which the Sub-Commissions appear to have proceeded in finding out what was the judicial rent?

Well, I think that is a question that it would be almost impossible to answer. They do not state their reasons in giving their judgments, and unless you could see into the mind of man, you could not say what reasons weighed with them. But I must say, that in very many cases they appeared to decide according to the evidence, to this extent, that they leant very much in the direction of the evidence

evidence given by the landlord's valuers; that is to say, the witnesses called as to value by the landlord.

4972. In those cases to which you have referred, what was the result; was the judicial rent, as compared with the former rent, the same or lower?
It was some 20 per cent. lower.

4973. And that was in accordance, you say, with the evidence of the landlord's valuers?
Yes.

4974. How many cases do you refer to?
I refer to about three cases; of course when a man has a number of cases, some of them involving very small details, many of those details will entirely escape his memory, and some of the details of many of the cases have entirely escaped my memory; but there were two or three striking cases in which I was engaged before the Sub-Commissioners where the rent which was fixed was very near the rent sworn to by the landlord's valuers.

4975. Marquess of *Salisbury*.] Were these the only cases in which you were before a Sub-Commission?
No, I was in a great number of cases at Thomastown; they were cases on the estate of one landlord, Mr. O'Shea, and in those cases Mr. O'Shea called no evidence at all. Some mischance happened in the preparation of the cases, and the Sub-Commissioners went out and valued the farms themselves, and reduced the rents, I think, something like 15 or 20 per cent. As to the three cases, there was a case tried before the Naas Sub-Commission, in which a Mr. Hanlon was the tenant, and Lord Cloncurry was the landlord; the farm was let at 90 *l.* a year, and the landlord's valuer fixed the rent at 72 *l.* (or rather one of the landlord's valuers, I should say, because another witness fixed it somewhat higher), and the judicial rent was fixed at 68 *l.* Another case was a case tried at Kilmainham within the last fortnight. Mr. Malone was tenant, and the assignees of Sir Charles Domville were the landlords; the land was let at 320 *l.* a year, and the judicial rent was fixed at 280 *l.*, being a reduction of about 12 per cent. In that case Mr. Fitzgerald, one of the most experienced valuers in Ireland, was examined for the landlord, and he is a gentleman who is generally examined on the landlord's side, the professional men having drifted from accident, or other circumstances, to one side or other. Mr. Fitzgerald said that he had valued the farm three years ago, and that it was then worth 320 *l.*, which was the actual rent that was being paid at the time of the trial, but he said that since then land in the neighbourhood of Dublin had fallen in value about 20 per cent. per annum.

4976. Do you mean the yearly value?
The yearly value.

4977. *Chairman.*] As I understand you, you mean that the value of land generally had fallen in Dublin?
That is so; Mr. Fitzgerald swore that in three years it had fallen in value about 20 per cent.; but it is right to add this: he said that it was through agitation. I appeared for the tenant, and I put to him this question: "Do you mean to say that if you were to let the land to a solvent tenant in the neighbourhood of Dublin now you would fix the rent 20 per cent. under the rent that you fixed three years ago," and he said, "I would." In that case the Sub-Commissioners only reduced the rent 12 per cent. per annum.

4978. Lord *Brabourne*.] Were there tenants' improvements in those cases?
No; curiously enough, in neither of those cases did the question of tenants' improvements come in at all. In one case, the case of Hanlon, the letting by Lord Cloncurry was very recent, and there had been no time for improvements; and in the other case the tenant had purchased the interest of the lessee, who was bound by the lessor to expend a large sum in drainage and other improvements, and therefore the improvements all belonged to the landlord.

4979. Marquess of *Salisbury.*] Was the whole of that 20 per cent. reduced value, according to Mr. Fitzgerald's evidence, due to agitation?

That is what he stated. As well as I remember, the words were, "land has fallen in value in the neighbourhood of Dublin 20 per cent." Then he was asked by one of the Sub-Commissioners, "What do you attribute that to?" and he said "To agitation."

4980. Lord *Brabourne.*] But the Sub-Commissioners took the effects of agitation at only 14 per cent?

Yes; it is right to say that the agitation in the neighbourhood of this farm, which is some five miles from Dublin, has been of a very mild description.

4981. Marquess of *Salisbury.*] Is it in the neighbourhood of Chapel Izod?

No, it is not in the neighbourhood of Chapel Izod. It is about two miles beyond Glasnevin Model Farm.

4982. *Chairman.*] According to your experience, is land letting now, or has it been letting during the last three years, at 20 per cent. below the former value there?

My experience is really confined entirely to the cases that I have been engaged in.

4983. Were you going to mention another case?

Yes, there was a case at Thomastown; Barry, tenant, Bushe (minors), landlord. In that case unfortunately the figures have passed from my memory, and I have not been able to find a newspaper report by which I could have refreshed my memory on the subject. The land was let for 200 *l.* a year, and I know that the fair rent was fixed at more than the sum named by the landlord's valuer, but off the fair rent fixed by the Sub-Commissioners there was a sum of 15 *l.* or 20 *l.* a year taken for the tenant's improvements. I cannot, of course, bind myself to the figures; but, supposing that the rent was 200 *l.* a year, as I believe it was, the landlord's valuer said it was worth 170 *l.*, and the Sub-Commissioners said we will fix the fair letting value at 180 *l.*, taking 20 *l.* a year off for the tenant's improvements, which the landlord's valuers never take into consideration; they value the lands as they find them.

4984. Lord *Brabourne.*] How do you know that they do not take into consideration the improvements?

I myself have had many cases, and I have invariably asked the question; and what they say is, We fix the fair value of the land as between man and man.

4985. They own that, do they?

That is what they do in Leinster. It is different in other provinces.

4986. Lord *Tyrone.*] We have evidence before us to the effect that no reasons are given for the fixing of the amount of a fair rent?

I am speaking of the witnesses, the valuers on each side, and not of the Sub-Commissioners.

4987. Did you not mention that the Sub-Commissioners took off 20 *l.* in the case you referred to?

Before the decision of the Court of Appeal in Adams *v.* Dunseath, there were some very nice questions of law arising in these cases; as may be supposed, and in that particular case, Mr. Reardon delivered a most elaborate judgment, in which he said, "We fix the fair rent at so-and so, if the landlord is to get the benefit of the improvements; if the tenant is to get it, then we fix the fair rent at so-and-so." Then, he said, "Either party can appeal."

4988. *Chairman.*] Was that before the appeal in Adams *v.* Dunseath?

It was.

4989. Was that a decision to which the case of Adams *v.* Dunseath would have applied?

That is still a moot point. It is to be argued before the Land Commission at Waterford next week.

4990. Are

4990. Are the cases you have referred to under appeal or not?
The case of Hanlon *v.* Lord Cloncurry is under appeal, but for this reason only, the Sub-Commission fixed the value of the tenant-right in that case at 30 *l.* The result of that would be, that if the tenant proposed to sell his interest, the landlord would be entitled to buy that interest for 30 *l.*, and the tenant has appealed against that part of the decision. It is right to say, I think, and it is only fair to the Sub-Commission to say it, that they afterwards stated that they did not think that they adopted an accurate estimate in fixing the value of the tenant-right in that case, and they afterwards fixed the tenant-right much higher; in fact, 10 times higher than that.

4991. Marquess of *Salisbury.*] On what occasion did they reverse their decision in that informal manner?
They did not reverse it, but they stated that opinion in my hearing at a subsequent sitting of the Sub-Commission. They said that in this case of Hanlon *v.* Lord Cloncurry, the point as to tenant-right had not been argued by counsel but allowed to go by the board, and it was very probable that there were considerations which should have caused them to fix the tenant-right at a higher sum than they did. In subsequent cases, they gave as much as eight and ten years on the rental, whereas in that case they gave less than half a year's rental as the value of the tenant-right; and that case is under appeal for that reason. Barry's case at Thomastown, as I have stated, is also under appeal.

4992. By the landlord or tenant?
By both sides.

4993. Have you been able to make any estimate of what the cost of litigation in these cases is, generally?
I have not; but I think it is very hard to estimate that, for this reason, that waste of time is a very formidable element. At Thomastown the Sub-Commission got through only 20 or 25 cases out of the 70 or 80 cases in their list; all the tenants were there for three or four days and all their witnesses. It was a very expensive thing to the tenants, and also, of course, to the landlords.

4994. Has it occurred to you that any other course of ascertaining a fair rent would be preferable to this investigation before the Sub-Commissions?
Of course if landlord and tenant are willing to refer the matter to a valuer, it might be done in that way; that is, of course, an admirable system, and it should be facilitated in every way, but I am not prepared to say that anything else has occurred to me as a better way than the present one.

4995. Do you think it likely that landlords and tenants would be disposed to refer the question to a valuer?
I think, up to the present time, it is very hard to say, or indeed, until we see what the result will be of the long waiting for hearing on both sides. That will begin to tell after a time, I think, but I consider that the long delay, and the block in the court, is most disastrous for the country.

4996. In cases in which you have had experience did the question of arrear enter into the question at all, or were they cases where there was no arrear?
They were cases where there was no arrear, or at all events, where the arrear was not mentioned to the Court. There may have been an arrear of half a year or something of that kind, but that, of course, does not prevent the Court from adjudicating.

4997. Have you in your own experience gained any information upon the subject of arrears?
Not any, except what any man might have gained in reading the papers. I am sure the Arrears Bill will be a great boon if passed.

4998. You have no personal experience of holdings where there are arrears?
No, not of holdings where there are large arrears. They are mostly in the west, and I have not practised in the west.

4999. Lord *Tyrone.*] Do you not consider that there is a large quantity of arrear at the present time all over Ireland?

I do certainly, but I am speaking of what I have special knowledge of, the cases I was actually engaged in. Of course no man can doubt that there is a large quantity of arrear all over the country.

5000. *Chairman.*] From what you have seen of the Courts, do you consider the tribunal one which could effectually undertake the inquiry as to whether the tenant is able to pay his arrears or not?

That is a question that I am not prepared to answer.

5001. Lord *Tyrone.*] You mentioned just now that the landlords' valuers had reduced the rent in a great many cases?

Certainly.

5002. Are you aware what basis the landlords' valuers have to go upon now that there is no competition value before them?

The basis that was stated by Mr. Fitzgerald was what he himself would fix the rent at if sent down by the landlord to fix a fair rent for a solvent tenant, and, I suppose, that in fixing that he has regard to a number of circumstances; the price of produce, the increased price of labour, and, perhaps, the better habits of living among the people.

5003. Did he give you to understand whether he was valuing upon the basis of rent since the passing of the Act, or upon the original basis of rent before the passing of the Act?

What he himself said was that the reduction had been caused by agitation, so that, I suppose, he had had the circumstances before his mind.

5004. Do you think he may have had the judicial decisions in his mind as a basis of the valuation?

From the statement he made, I think not.

5005. You mentioned that the Sub-Commissioners had on one occasion given the reasons for their decision?

Yes.

5006. Did they on any other occasion give reasons in cases that you were concerned in?

I may tell you that I have always declined, from private professional reasons of my own, to accept a brief to follow a Sub-Commission round its circuit. In the cases in which I have been engaged I went down and argued them as best I could, and then went away again; and, I think, except in one case, I was never present at the time the decision was given. Counsel has nothing to do with the decisions, and I may say that unless I saw them reported in the paper, I never knew what they were.

5007. In any case that you were yourself concerned in you would hear the decision, would you not?

No; the Commission sits, say on Monday, and hears the evidence; then visits the farm on the Thursday or Friday following, and never delivers the decision until the end of the sitting, and very frequently not until they commence their sitting in the next town, and unless Counsel, as some gentlemen do, follow the Commission round, they will not be present when the decisions are given.

5008. Therefore you cannot answer that question?

I cannot. The reason why I know of the case of Barry, tenant, and Bush (minors), landlord, is this; the solicitor sent me up the country paper in which the decision of the Sub-Commission was reported at great length. The legal Commissioner, Mr. Reardon, delivered a most elaborate judgment, extending to a couple of columns of a large newspaper.

5009. From your knowledge of these courts, do you think it would be an advantage that the Sub-Commissioners should state their reasons?

I do not.

5010. May I ask you why?

It is confessed on all hands, of course, that the proceedings before the Sub-Commissioners

Commissioners should, in the interest of the country, and in the interest of litigants, be as rapid as possible; and I think one objection is, that it would cause great delay if the Sub-Commissioners delivered their reasons. For this reason, amongst others, I know that the question of the value of land is always a complex question, and although the three Sub-Commissioners may arrive at the same conclusion, they may arrive at it by different methods. They meet together and say, "We will fix 100 *l.* a year as a fair rent," and they may have arrived at that result by quite different roads. If they were required to state their general reasons for their decision, then, having regard to the fact that they are expected to do some 40 to 50 cases a week, there would be loss of time, and if they delivered a divergent judgment, of course there would be the risk of an appeal in every case.

5011. Do you consider that there is a great block in the Court at the present time?

Certainly; 70,000 cases is a great block.

5012. Do you consider that there is any probability that that block will be soon reduced?

I do not; of course, "soon" is a relative term.

5013. Do you think the block will be reduced within any reasonable time?

The only information I have as to the present rate of progress in the Courts is the information that we all have, viz., that which was conveyed by Mr. Gladstone in the House of Commons the other night, when he said that they were going at the rate of 900 cases a week.

5014. *Chairman.*] You speak about speed, which could not be kept up, perhaps, if the Sub-Commissioners were to give their reasons; do you consider that expedition is of more importance than justice?

No, of course; I do not consider that expedition is of more importance than justice, but I consider that with an abnormal tribunal of this kind, ordinary legal analogies must, at times, be disregarded. It is, in its processes and the amount of work it has to get through, to some extent a revolutionary tribunal for the purpose of carrying out a valuation of rent all over the country peaceably and according to the form of law.

5015. What do you mean when you say that it is a revolutionary tribunal under the form of law?

I mean that the valuation of rents all over the country is an enormous and gigantic process, and that you cannot follow the nice legal processes and analogies which are applicable to ordinary litigation, where the number of cases is small, and where there is (at least in Ireland) plenty of time to try them.

5016. Is not the object of giving reasons this, that the litigant parties should hear the reasons why a decision is given against one side or against the other, and more especially where there is an appeal, and that those reasons should be in existence in order that they may consider whether they should or should not appeal against them?

In ordinary litigation very often the litigants do not know the reasons for which the decision is given against them; for instance, a man brings an action for assault against another, and the jury say, "We find 100 *l.* damages;" they do not express any reason why they give the damages.

5017. You know that against a finding of fact there is no appeal, and that is the reason why juries have only to give a verdict, and not to give reasons for it?

Of course, if it is a perverse verdict, it can be set aside.

5018. Where it is a question of a different kind, the Court always gives the reason?

I must say that I think the jury analogy applies more to the Sub-Commissioners than the analogy of the judges.

5019. Then if your view is right, there ought to be no appeal?

No, I think not; I do not say that.

5020. I mean, if the analogy of a jury is right, and that it is simply a

question of fact whether a particular thing did or did not occur, then the finding of fact by the first tribunal should be conclusive?

No; because, as I say again, I think in so abnormal a system as this (that is an experiment, the like of which was never tried before in any country), it would be possible to push legal analogies too far. I think that convenience and justice are best met by the rapid decision of the cases, unless the decisions appear to be grossly unjust in mass, which, I think, has not been pretended by anyone.

5021. To take legal analogies we get rid of the analogy of the jury; then comes the question, apart from that analogy, is it or is it not desirable that the parties should know the ground on which the decision was given against them, or is it not?

I consider that as far as the decisions of the Sub-Commissioners are concerned, treating the matter as a practical question, the balance of desirability and expediency is in favour of their not stating their reasons.

5022. Is that in order that the speed may be maintained?

Partly for that reason.

5023. Is there any other reason?

Partly for that reason, and partly for the reason that it would certainly provoke appeals; and I think that appeals are not to be provoked unless either party is dissatisfied with the decision in itself. Suppose, for example, the Court says, "We fix the fair rent of Blackacre at 100*l.* a year;" but suppose the Court went into the various reasons distinguishing between what was allowed for fair rent and what was allowed for improvements, and so on, one of the litigants, though satisfied with the decision *en bloc*, might say, "The sum given for improvements is monstrous, and I will try and hold the fair rent and upset the sum given for improvements," and appeal against the decision for that reason.

5024. Do you suppose that anyone satisfied with the decision, would appeal because the reasons might be cavilled at?

I think persons submit to decisions without being entirely satisfied with them, and I think the balance might be turned one way or the other by reading reasons with which he would or would not agree.

5025. Is not an appeal more likely to be provoked by the fact that the decision is given without his being informed of the reason why it is given against him?

I do not think so.

5026. If you had a decision which you thought an unjust one, and you were not informed of the reasons why it had been given, do you think you would not be more likely to appeal if an appeal were open to you?

Of course I can see that there are many arguments that may be used against my opinion upon the subject, but balancing them all I think it better that the reasons should not be given.

5027. The only considerations you have given us are those of speed and the possibility of preventing appeals?

Yes, and the danger of varying or contradictory decisions being given by the Sub-Commissioners. If, as I say, the same result is arrived at by different routes, then either one (or more) of the Sub-Commissioners must assent to a statement of reasons that he does not believe, or he must deliver a judgment differing from his colleagues; and nothing, I think, would provoke an appeal more than that.

5028. I understand you to say there is a third consideration for not delivering the reasons, which is, that it might appear that they differed; is that it?

Certainly; I think, having regard to all the circumstances, that that would be most undesirable.

5029. Then do you think it a better thing that they should differ in opinion, and that that should be concealed from the public?

Certainly I think so.

5030. Do you think that that is a better thing?
I think it is better; it happens in other tribunals that people differ, and that the judgment appears to be a unanimous judgment before the public.

5031. What other tribunal?
I have already mentioned the case of juries.

5032. We put that aside as not relevant. Is there any other tribunal?
Of course I know very little about it myself, but I thought the Judicial Committee of the Privy Council was an instance in which, if the judges differed, the fact was not mentioned to the world.

5033. The reasons for the advise given to the Crown, for a particular reason, are not publicly announced, but that is considered to be an exception, and those are reasons which certainly do not apply to the land question in Ireland. There is no other case that I am aware of, is there?
I do not know of any other case.

5034. Duke of *Marlborough.*] What is your view of the reason why the value of the tenant's improvements should not be given; you say there might be a reason against giving reasons for the decision arrived at as regards the value of land or of the farm. The Commissioners are supposed to arrive without giving their reasons, at the value of the farm; then they arrive, without giving their reasons at the value of the tenant's improvements; why should not those two respective values be given without giving the reasons for arriving at them?
What I have already stated as to a difference of opinion amongst the Sub-Commissioners would apply to that. One Sub-Commissioner may say, I think the rent should be 100 *l.* a year, and that 10 *l.* should be allowed for tenant's improvements; another Sub-Commissioner will say, "I think 100 *l.* a year should be the rent, but that 20 *l.* or 30 *l.* a year should be allowed for tenant's improvements." Men will differ, of course.

5035. What I mean is, supposing them to arrive conjointly at the value of the farm, or that which they suppose to be the value of the farm, and they arrive conjointly at the value of the tenant's improvements, why should not those, agreements having been come to by the Commissioners, be given publicly?
I consider that there is no middle course between the Commissioners delivering judgment fully in every case, and stating, "we arrive at a fair rent, so-and-so."

5036. The Commissioners arrive at the item of what the fair rent is to be and agree together upon that item; is it not to be supposed that they may agree upon the two elements of which that is composed, viz., the value of the farm and the value of the tenant's improvements, and deliver those separately instead of conjointly?
They may or may not agree; of course if they were to deliver a judgment going into their reasons in one case, they should deliver it in all, whether they agreed or not.

5037. Without going into their reasons, why should they not state, as a matter of fact, what they consider to be the value of the farm, and, as a matter of fact, what they consider to be the value of the tenant's improvements. Would there not be a manifest advantage in future proceedings and in the general authenticity of their decisions in those two items in the elements having been stated?
I must say I have not considered that. I merely consider the question whether or not they should deliver their judgment briefly, as I believe they do now, saying, "We fix the fair rent at so-and-so," or go into the reasons at full length.

5038. It would not take much more time to say what would be the value of the farm and the value of the tenant's improvements, would it?
It may take some time; it is utterly impossible to arrive at the value of a farm by any strictly scientific process. There must be always something of the rough-and-ready in the way in which you do it.

 5039. That

5039. That may be so; but is it not equally easy, having arrived at the value of a farm, also to assess the value of the tenant's improvements, and to declare those two separate values?

I do not think any advantages would arise from it.

5040. Lord *Brabourne.*] Is it not quite a distinct thing, the rent of the land and the value of certain buildings and improvements upon it?

Of course it is.

5041. If they both belonged to one person it would not much signify, but as the law has now settled that the one belongs to the landlord and the other to the tenant, is it not desirable, as well as possible, to state the relative values when you are going to determine the sum which is based upon those values taken together?

I think not. The conclusion I have come to on the subject is this: that the first thing to be attained is speed, as far as is consistent with justice; and injustice cannot be done, because any man who is dissatisfied with the decision given against him has an appeal.

5042. *Chairman.*] Suppose this to happen, the object is to fix a fair rent, which means, I suppose, a just and proper rent; the three Sub-Commissioners, or a majority of them, are supposed to agree upon a fair rent; the three meet in a room to consider the question; and the first one, Mr. A. says "Well, my opinion is that this farm is worth 100 *l.* a year, but the tenant's improvements in my opinion are worth 30 *l.* a year; therefore I think that 70 *l.* a year should be the fair rent." Mr. B. says "No; I do not at all agree with that; I think the farm is worth only 80 *l.* a year, and I do not think the tenant's improvements are worth 30 *l.* a year at all; I think they are only worth 10 *l.*; therefore I have arrived at the conclusion, in quite a different way, that 70 *l.* is the rent that should be paid." Mr. C. says "No, I differ from you all; I think there are no tenant's improvements whatever; I think the value of the farm at present is 70 *l.* a year, but I think it has been deteriorated in the hands of the tenant; if it had not been deteriorated it would have been worth 100 *l.* a year, but it is now only worth 70 *l.*" The result is that the whole three have arrived at 70 *l.*; is that a fair rent?

They all believe, for various reasons, that it is a fair rent.

5043. Is that a fair rent; is there any concensus of two minds on the subject of a fair rent there?

I think if these men deliver their judgments, in the first place there will be a considerable amount of time lost in committing those judgments to writing.

5044. I am not speaking of time now; could that bear public light as a fair rent; could it bear to be stated to the public?

If the three men, acting on their honour and responsibility, come forward and say that 70 *l.* is a fair rent.

5045. If they told the truth, and said what I have said, could it be mentioned to the public with safety?

The last man would, in my opinion, have arrived at his conclusion by a wrong course.

5046. Quite so; I quite agree with you; then there would be an appeal?

If he said 70 *l.* was the fair rent, he would say what he did not think; if he sat by when the Chief Commissioner delivered the judgment and said, "We find that the rent of Black Acre is 70 *l.* a year, and that is the fair rent."

5047. It is quite impossible that any two of them could be right, is it not?

Quite impossible.

5048. Then is that a fair rent?

I do not think the 70 *l.* would be a fair rent based on the considerations on which the last man arrived at the calculation of a fair rent.

5049. Lord *Brabourne.*] Does it not come to this, that it is impossible to have a public valuation of rents in Ireland, as the Prime Minister told us in 1870, without great injustice?

That

That is an opinion upon the policy of the Act, not on its working. You have the Act there.

5050. It is illustrated by that, is it not. You spoke of the Act as being a revolutionary one just now?
Yes.

5051. Perhaps you are aware that you are only quoting the words of the Prime Minister, who told us in 1870 that such an Act as that now in force would be the means of producing a social revolution, therefore it is quite an accurate description, is it not?
I consider that such operations as those which the Commissioners are carrying on are deserving of the term "revolution," but a peaceful and beneficient revolution, and if revolution is coming in any country, I think it is better that it should be carried out by law than by violence.

5052. And that injustice should be perpetrated in carrying it out?
Certainly not. I cannot think that at all. I cannot see how injustice is perpetrated when there is a right of appeal. If the right of appeal were taken away it would be quite a different thing.

5053. Do you not think that if the reasons of the Sub-Commissioners were known, it would prevent a great many appeals?
No, I do not. I think it would greatly promote appeals.

5054. Earl *Stanhope.*] Do you conceive that the settlement of fair rents that is going on now will be final, or that all the cases now settled will come into court again at the end of 15 years?
I think 15 years is a very long period to look forward to in Ireland.

5055. It is not so long as the leases under the Act of 1870, viz., 31 years?
I really could not say what would happen at the end of 15 years.

5056. Let me ask you one other question about arrears. I want to know whether in your opinion the question of arrears prevents tenants coming into court?
I am positive that it does.

5057. There is nothing in the Act to prevent them coming into court if they have arrears?
Of course not, but if a man is in such a condition as that it is perfectly impossible for him to pay off his arrears, he thinks that it is no use to have his future fair rent fixed. If a man is bound to pay 20 *l.* a year, and is three or four years in arrears, that is 60 *l.* or 80 *l.* of debt, and if he is otherwise in poor circumstances, the fact of having his rent reduced and fixed at, say, 15 *l.* or 16 *l.* for the future, would not help him to pay the 60 *l.* or 80 *l.*

5058. Some of them might say, I have improved my land, and I set off those improvements against the rent that I owe my landlord, and probably the Commissioners would say, we consider the matter pretty equally balanced?
I do not know that they could do that. I think they have no power to do it; that could only be done by agreement between landlord and tenant, and the landlord and tenant could come to any agreement they desired at any time.

5059. Lord *Brabourne.*] Do I take this to be your meaning, that you think it right that the people should have an appeal; you think it is a desirable thing that there should be an appeal, do you not?
Certainly.

5060. But you think that the obscurity which pervades the decisions of the Commissioners, owing to their not giving their reasons, is more likely to prevent appeals than the throwing of more light upon them, and therefore you approve of no more light being thrown upon their decisions?
Certainly, that expresses my opinion; of course, combined with the other strong reasons as to speed and expedition, which are most desirable.

5061. Earl *Stanhope.*] From the knowledge you have derived from your practice before the Court, do you think that the Sub-Commissioners have the means of ascertaining the competency of tenants to pay their arrears?

I have had no experience of that; that is a thing that cannot be answered until it is actually tested to see how it works.

5062. Lord *Tyrone.*] With regard to the block which I was alluding to just now, I understand you to say that there is a decided block in the Courts?

Of course; there are 70,000 cases; and even at the rate Mr. Gladstone mentioned of 900 a week, it would take a year and-a-half to clear them off, and more than that.

5063. Do you not consider that giving the Sub-Commissioners extra work under this new Bill would tend to increase that block?

Of course if you give them extra work it tends to increase the block.

5064. Do you not, from your knowledge of Ireland, consider that this block is one of the most serious features and one which renders the Land Bill unworkable?

I think the block is a tremendous misfortune for all parties. In some cases the landlords cannot get any rent pending the decision of cases in the Court; on the other hand, I know myself of one case in which the tenants on an estate filed originating notices, and have since been twice compelled to pay the old rent with costs; and that is calculated to create discontent, and renders it probable that the flame of agrarian war may light up again.

5065. Do you think it probable that arrangements will be made out of Court?

I think it is very hard to say at present or until we find how the delay begins to tell upon both sides.

5066. Would it be possible in any way to give both the landlord and the tenant some line to go upon, to enable them to come to some agreement out of Court?

I think there is a line that they can go upon. Undoubtedly the vast body of decisions are found to be playing at a certain line above and about Griffith's valuation.

5067. When you have holdings which vary in so many particulars as the noble Lord suggested to you just now, is it possible, unless the tenant and landlord know how the decisions have been arrived at, to come to any agreement out of Court?

I think it is perfectly possible, because I believe that the form the arrangements will finally take will be, that some person chosen by the landlord and tenant, or some umpire chosen by the valuers for landlord and tenant, will fix the rents, and that therefore any decisions of the Sub-Commissioners will be really of no assistance to them.

5068. You seemed rather to base your remarks just now upon Griffith's valuation?

Of course there is no doubt whatever that the line taken by many of the Sub-Commissioners bears a certain proportion throughout to Griffith's valuation.

5069. Then you think that many of the Sub-Commissioners have Griffith's valuation in their eye in fixing the rent?

It is not out of their eye, certainly.

5070. Then according to that there would not be a great deal of advantage in their visiting the farms, would there?

I think there would, especially as to improvements. It is absolutely necessary for them to visit the farms, for this reason, the tenant himself says, "I put up 200 perches of drains on the farm, and they are in grand working order" (I am not speaking of an imaginary case now, but a case I know of myself). The landlord says, "I never saw any drains on the farm at all," or he may say, as they sometimes do, "Yes, there were drains laid down ever so long ago. but they are perfectly useless;" and unless some man who knows the business

business goes on the farm, and examines them for himself, how is he to say whether those drains are working or not.

5071. If they are to take into consideration this sort of item that you are mentioning, they cannot be working upon Griffith's valuation?
I do not say that they are working upon Griffith's valuation. I would be very sorry to say so. I think certain things weigh with the Sub-Commissioners, and it would be absurd to say that Griffith's valuation is not one of them.

5072. Then if they are to take these drains and that sort of thing, which we know they do, into consideration, how is a tenant on a farm (without drains on his land, and without any of those improvements, or with different classes of land, possibly), to come and arrange out of court with his landlord if he does not know the ground on which the decisions as to other farms have been given?
I think the general grounds are very well understood; they are the grounds to which the evidence points.

5073. With regard to what you said just now as to arrears, I understood you to say that tenants in arrear had no inducement to go into court?
By that I mean tenants hopelessly in arrear. If a man owes only a half year's rent, and is fairly solvent, he has every inducement to go into court.

5074. Have you ever come across cases in Ireland in which tenants have been, you may say hopelessly, in arrear, that is to say where there have been a large number of gales owing, but have for a certain number of years paid one year's rent within the year, and left the rest of the arrears standing?
Yes.

5075. You have come across cases of that kind?
Certainly.

5076. Numerous cases?
When I say I have come across them I have no agricultural experience myself except in my business as a barrister, but I know that there are such cases.

5077. In cases of that description do you think there is anything to prevent a tenant going into court?
Of course a tenant that brings his landlord into court does a hostile act, he litigates against him, and a man hopelessly in arrear is under the landlord's thumb.

5078. Putting it in another point of view, if a tenant is hopelessly in arrear, and he can come into court, and get his rent reduced, is he not in a much better position to sell his holding and pay off his arrears, and put a lump sum of money into his pocket?
No matter how hopelessly in arrear the tenant may be, if the rent is reduced it gives him a chance, but there is no doubt that it keeps many of them out of court; the first peril of the tenant is that he may be sued by the landlord for all his arrears.

5079. You think that what keeps him out is the fear of his landlord taking proceedings against him?
It is impossible for me to say, I can only give a conjecture as to what may weigh with those men, and that I suppose is one of the reasons.

5080. Duke of *Marlborough.*] Do you consider that if any mode or expedient were devised by which arrears could be cleared off, and this arrears question settled, that it would set free a large number of tenants whose cases would then come into court?
I think it would.

5081. And you think the cases would be large in number?
I think so; and I think also that there are some districts in the country from which no cases, so to speak, have come in up to this time, and that those cases ultimately will come in.

5082. Then in fact the state of things which now occasions a block in the court would be very largely increased, and intensified?
Certainly.

5083. And all the consequent disadvantages which you have pourtrayed would equally follow in their train?
Certainly, and of course if leaseholders are included (as I think they ought to be) that would cause a still further block.

5084. Then if that block continued, and rents were being paid which were supposed to be unjust rents, and relief could not be granted in consequence of the blocks existing in the courts, a very large amount of dissatisfaction would be the result, would it not?
Certainly. The block must be dealt with in some way or other, and the only way which I can suggest (if I may be allowed to do so) is the very simple and unheroic method of increasing the number of Sub-Commissions.

5085. Earl *Stanhope.*] That would involve a very large additional expense, would it not?
Supposing that there are now 16 Sub-Commissions in existence, if there were 16 more appointed for one year (which I think would clear off the block), that would cost only 60,000 *l.*, and of course 60,000 *l.* would be a very cheap price to pay for that.

5086. It is nearly 90,000 *l.* now, is it not, including the cost of the machinery?
That includes the Chief Commission and all its branches. I think the cost of a Sub-Commission is about 4,000 *l.* a year.

5087. Marquess of *Salisbury.*] You have often had to represent a tenant and to argue the question as to what a fair rent is?
Certainly.

5088. May I ask you on what principle you argue a fair rent; before this Act a fair rent meant, the rent that a solvent tenant could be induced to give, but now that competition is removed of course you would not think of using that argument, which would be wholly inapplicable; what argument do you use?
In the first place of course I argue, or I submit, that all recent increases should be, as a rule, taken away.

5089. Simply because they are recent and because they are increases?
No, I assume that they are additions, and that the rent was apparently a fair rent before; of course if the rent had remained undisturbed for a very long period, the rent may or may not be fair, but if recently increased, that is (as I submit to the court) evidence that the landlord has been swallowing up the tenant's interest in the farm and its improvement; and one of the reasons I understand why this Act was passed, was to protect that interest and those improvements.

5090. Your mode of argument is to assume that the old rent was a fair one, and that the modern rent is an unfair one?
I presume, as every advocate presumes, everything in my favour, and if I am asked on what principles I argue before the Sub-Commissioners I say that that is one. In the second place, of course, if the landlord's valuers, being respectable and independent men, come forward and say, "The fair rent is so-and-so," I consider that there can be no such argument in favour of the tenant as to say, "Take the evidence of the other side."

5091. Do you ever adduce an argument derived from the price of produce?
Sometimes, and sometimes not.

5092. That does not occupy a very large portion in your view?
No. In three of the largest cases I had, the landlord's witnesses said that the fair rent would be something considerably under the existing rent; and then, of course, the strongest argument that can be offered is to say "Take the evidence of the witnesses from the other side."

5093. No

5093. No doubt from your point of view that would be conclusive; but did the landlord's witnesses in those cases state how they themselves had arrived at their conclusion, or did they merely give it as a simple piece of evidence?

Their evidence ran somewhat in this way (I merely give it as an example): "I went upon the land and saw so-and-so; such and such soil," describing the depth of the soil, and so on. They would then estimate about how much oats it would produce, or potatoes, and so on; and then they say, "The fair rent would be 1 *l.* an acre," or whatever they put it at.

5094. They do go upon the produce of the land?

They do, certainly.

5095. Have you any idea in what proportion they divide the gross produce between the landlord and the tenant?

No, I have not.

5096. That is a question that they never work out?

Not to my recollection.

5097. Yet that would lie at the basis of any such calculation as you suggest?

Yes, I think it would be immensely difficult to hunt back into a man's mind. One man may value a horse, for instance, and that correctly; and one man may say 50 *l.* and another 100 *l.*

5098. *Chairman.*] With regard to a horse nothing is easier. A man has only to say, "I have had experience in buying and selling horses, and I am confident that I can get 100 *l.* for that horse in the market." Is that the way that land is valued?

The landlord's valuers have in my hearing over and over again stated this: "I have fixed a fair rent, or what I believe would be a full and fair rent, if let to a solvent tenant."

5099. Marquess of *Salisbury.*] It is based upon a hypothetical competition which cannot take place, is it not?

Of course it is.

5100. Lord *Brabourne.*] Is there any way of getting at the real value of anything except by comparing what one who is desirous of obtaining it, will give for it, with what another, or several others are also willing to give; must not everything else be speculative?

To a certain extent, of course, but the Act of Parliament adopted a different principle for fixing rent in Ireland.

5101. Is it not rather more correct to say that it took away the only way in which the true value could be ascertained?

Quite so, as to the competition value.

5102. Marquess of *Salisbury.*] Have many of the landlords against whom you have appeared been persons who have purchased in the Encumbered Estates Court?

No, I do not remember that any of them have.

5103. They were all old proprietors?

I believe they were all old proprietors.

5104. What average reduction did you succeed in getting in the cases in which you were concerned?

I would say between 20 and 25 per cent.

5105. Were those reductions in respect of old rents or recent rents?

Some of the rents reduced were old rents, and some of them were recent ones.

Adjourned.

# *Die Jovis*, 15° *Junii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of NORFOLK. | Earl CAIRNS. |
| Duke of SOMERSET. | Viscount HUTCHINSON. |
| Marquess of SALISBURY. | Lord CARYSFORT. |
| Earl of PEMBROKE and MONTGOMERY. | Lord BRABOURNE. |

THE EARL CAIRNS, IN THE CHAIR.

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MR. R. WADE THOMPSON, is called in; and Examined, as follows:

5106. WE understand that you have acted as agent over your father's estates since the year 1876?
I have.

5107. Your father's property is in the county Mayo, I think, is it not?
This property.

5108. This property that you have acted as agent for?
Yes.

5109. And you have been acquainted with the property for that length of time?
Yes, and a year previously.

5110. Since 1875?
Yes.

5111. What is the acreage of the property?
Five thousand eight hundred and twenty-five acres.

5112. And how much of that is in the hands of tenants?
All that is in the hands of tenants; there is 1,564 acres in the hands of the owner.

5113. Lord *Brabourne.*] But it is all in Mayo on the same property?
Yes.

5114. *Chairman.*] And what was the rental of that which was in the hands of tenants; what does it amount to?
Before the passing of the Land Act I suppose your Lordship means.

5115. Yes?
£. 697.

5116. £. 697 before the reductions?
Yes, before the reductions.

5117. Lord *Brabourne.*] Is that 697 *l.* the rental of the whole?
Only that in the tenants' hands.

5118. *Chairman.*] I suppose it is poor land?
It is; all the land in Mayo is poor land nearly, but it is as good as that of the average estates about there. There is every kind of land there.

5119. What is the Government valuation of that same portion that is in the hands of tenants?
£. 691.

5120. So that taking the aggregate, the valuation and the rental were about the same?
Yes, about the same; in many cases under and in some cases over.

5121. Are the holdings small?
Very small.

5122. £. 4 or 5 *l.*?
Between 4 *l.* and 5 *l.* is about the average.

5123. What is the number of tenants?
About 120.

5124. Where in Mayo is the property?
About six miles from Ballina.

5125. How far back can you give us any history of the rental; has there been any change in the rental in modern times?
Practically not, but I cannot go much further back than about 1842.

5126. Then can you tell the Committee what changes have been made since 1842; I mean the general character of the changes?
Yes, I can. The rental of the estate was 675 *l.* in 1842.

5127. And you say that until recently it was 697 *l.*?
This is a table up to the present date; it was 675 *l.* in 1842; in 1847, it was 677 *l.* 9 *s.* 11 *d.*; in 1856, it was 674 *l.* 2 *s.* 11 *d.*; and in 1881, 697 *l.*

5128. So that there had been very little change during that time?
Practically none.

5129. Lord *Brabourne.*] Is that the rental for the 5,825 acres?
Yes.

5130. That is less than half-a-crown an acre?
Yes; of course some of it is very bad land, although there is good land too; that is good for that county.

5131. *Chairman.*] Is this a property which is mortgaged at all?
Not at all.

5132. With regard to the accommodation given to the tenants as to turbary, what privileges have they had?
They have had free turbary and power to sell turf (which is a very great advantage) at a nominal charge of between 10 *s.* and 1 *l.*, whether they use a donkey cart or a horse cart; it is a mere nominal charge, and I may say that it is said that many of them have made from 20 *l.* to 30 *l.* a year out of it, though I cannot state that as a fact, because I do not know it.

5133. As much turf as they want for their own consumption they may have for nothing?
Yes.

5134. And sell off for an annual payment of 10 *s.* or 1 *l.*?
Quite so.

5135. As to tenant right, has there been any sales of tenancies on the estate?
There is no rule on the estate with regard to tenant right, but practically they are never interfered with.

5136. Has the landlord ever bought up any of the holdings himself?
Two or three; within my recollection I do not think more than one or two.

5137. What has he given when he has bought them up?
Five or six years' purchase; perhaps more.

5138. There

5138. There was a revaluation made of the estate, was there not in 1868?
In 1868 there was a revaluation of the estate which brought it up to one thousand and one pound, in round numbers one thousand pounds a year.

5139. Who was the valuation made by?
A man named Carolan; I forget the Christian name, but Carolan was his name.

5140. Was he a local valuer?
A local valuator; he is at present, I may say, valuing for the tenants; at least I have heard it, and I believe it is the case.

5141. The rental never was raised to that valuation, was it?
Never; it was never put on the tenants at all; not any of it.

5142. What expenditure has been made by the landlord on improvements on the property?
From 1844 to 1874 there was a sum of 573 *l.* spent on making roads through the estate entirely at the landlord's expense, and during the last three years a sum of 700 *l.* has been spent on one road about two miles in length, just completed, that makes 1,273 *l.* During about the last 35 years (I mean before about 1879, for 35 years previously) about 686 *l.* was spent in labour on improvements and paid to individual tenants.

5143. You mean paying the tenants for their labour?
Yes.

5144. For improvements?
No, only for labour on the estate generally; not necessarily improvements on their own farms; otherwise there was a sum of 390 *l.* paid specially to individual tenants for labour, that is, 686 *l.* and 390 *l.*

5145. As regards other properties in the same neighbourhood, of the same kind, would you say that the rental of those properties was about the same as yours, or less, or more?
Very much less.

5146. Yours are more moderate you mean?
Ours are very much less than those of the surrounding properties in the whole county. In fact I may say that when our cases came on at the Land Court, several gentlemen said to me, "Well, if your rents are touched we may all look out;" those were the words used. I may say that our rents were touched; the others were not touched at all, in proportion to what ours were.

5147. Previous to the agitation, which we know began in Ireland in 1879 and 1880, have you ever had any complaints or quarrels with the tenants?
None, or practically none. Of course there may have been a few little quarrels that I cannot remember; but nothing that would be called quarrels.

5148. When holdings were sold, do you know what price they fetched in the market?
£. 30 has often been paid for a small holding.

5149. A holding of between 4 *l.* and 5 *l.* a year?
Between 4 *l.* and 5 *l.* a year; we have paid the tenants this. They often get more; we never paid the highest that would be paid.

5150. Was the landlord in the habit of making any further allowances in winter to the tenants?
Yes, for a great many years, since the famine year (I mean since the great famine) until the year 1879. In that year, too, I think, as well as I can remember, the landlord always supplied meal at cost price to any of the tenants who asked for it, on their credit, to be repaid afterwards, and at present a sum of 400 *l.* is owing to the landlord on that account, or about that amount; I cannot be exactly accurate; but it is about that.

5151. Now we come to the Act of 1881; were any notices served upon you under that Act?
Yes, several notices.

5152. How many?
At present nearly all the tenantry are in the court.

5153. And how many cases have been heard?
Nine cases.

5154. When were they heard?
All the nine cases were heard in November last.

5155. And I understand you to say that there was a reduction made; was that so in all the cases?
Not in all nine, they were not all decided then. Only seven of those nine cases were decided in November. The remaining two cases were heard, but the decisions were not given until the February following.

5156. Was a reduction made in all the cases?
All except one; that was raised 1 *l.*

5157. And what was the amount of the reduction made in the other cases?
Taking the whole of the seven cases in which the decision was given in November, the rent amounted to 38 *l.* The judicial rent was 30 *l.*; that is between 20 and 25 per cent. reduction, I think.

5158. They were reduced from 38 *l.* to 30 *l.*?
Yes, from 38 *l.* 9 *s.* to 30 *l.* 4 *s.*

5159. Those were seven very small holdings, of between 4 *l.* and 5 *l.*?
I have got a table, if you wish me to hand it in. (*The same was handed in.*)

5160. I will just take the first of these as an example. "Thomas Harrison; valuator's valuation;" who was that; was it the landlord's valuator?
Yes, the landlord's valuator.

5161. £. 3, 11 *s.* 6 *d.* was the valuator's valuation; the old rent was 3 *l.* 3 *s.*, the Government valuation, 2 *l.* 15 *s.*, and the judicial rent, 2 *l.* 10 *s.*?
Yes.

5162. Had there been an examination of the holdings before these decisions by the Sub-Commissioners themselves?
Yes, I believe there was.

5163. Were you present?
I was not.

5164. Were you present at the hearing?
Yes, I was present at the hearing of nearly all the cases; but I was not present at the examination of the land by the Sub-Commissioners. I was with our valuators some part of the time (not all) on the land.

5165. When the Commissioners inspected the holdings, who was present on your behalf?
The sub-agent.

5166. Were any reasons given for the decisions?
None whatever, that I heard. I was not present when the decision was given. You may not understand what has been deducted from the lower part of the table.

5167. I do not quite?
It is the rent that was raised and which has been deducted; that has been deducted to show the nature of those that were reduced; not to include the one that was raised.

5168. There are nine holdings here altogether?
Yes.

5169. That includes the whole, including the one that was raised?
Quite so. Then in order to find out the amount of those that were reduced, I have taken off the one that was raised.

5170. Roughly,

5170. Roughly, that gives the total of those that were reduced?
Yes.

5171. Then putting aside the one that was raised, the result of the whole, as I understand it, was this, that on eight holdings the old rent amounted to 62 *l.* 1 *s.* 10 *d.*?
Quite right.

5172. The Government valuation was 52 *l.* 0 *s.* 6 *d.*, and the fair judicial rent, 51 *l.* 8 *s.* 6 *d.*?
That is right.

5173. Showing about 20 per cent. reduction?
Yes.

5174. Then the other cases are waiting for decision?
The other cases are waiting for decision.

5175. Have they been heard?
No. These eight cases have all been appealed against. This is a table of our valuator's value in those nine cases.

5176. What valuators had you at the hearing?
We had a valuator named Sydney Cox, from Limerick (a well-known valuator in that part of the world, I believe), and a local valuator named Moore, and my own sub-agent, who is a valuator almost by profession, and often values for the tenants in other properties.

5177. Was the valuation of the valuators who were called by you, in excess of the present rent, or lower?
In excess of the old rent.

5178. In excess of what is called the old rent?
Yes; it went over the old rent. We had some more cases besides these at the time, and it was in excess even of the 1868 valuation in those holdings.

5179. Was there any valuator called by the tenants?
I cannot tell you that; I do not think there was.

5180. You were present at the hearing, were you not?
I was. They produced evidence (I do not think they had been on the land) of what they said they believed to be the value.

5181. Did the tenants call any professional valuator?
Certainly not, any professional valuators, as well as I can remember now. Some of them had friends, or neighbouring tenants, that just gave their evidence of what they thought the value would be, without putting it on paper or anything of that kind.

5182. Lord *Brabourne.*] I should like to ask upon this point, whether there was anything special in these particular cases, for this reason: you stated that the total value of the rental was 697 *l.*, and that the Government valuation was 691 *l.*; in these particular cases the total value was 62 *l.*, and the Government valuation 52 *l.*; so that if that had been the rule throughout the estate, the total Government valuation would have been very much less than the rent; was there anything special in those cases?
Except that they were never considered to be in any way too high; the tenants never objected to them in any way up to this time; and if you will look at the one which was raised you will see that it was very much the same as the others.

5183. According to your statement of the total amount of rent, as compared with the Government valuation, in these particular cases, the rents must have been higher in proportion to the Government valuation than the rest?
They were.

5184. Then there was rather a special feature?

In those cases there was; perhaps we might call them the worst cases on the estate; they are not all so. In one case the rent was lower than the valuation.

5185. *Chairman.*] Have you formed any estimate of the expense incurred by the landowner in testing these cases?

I have; the solicitor's fees have not been paid yet; but up to the present time these nine cases have cost about 75 *l.*

5186. Does that include the law costs and the valuator's costs?

Yes, but not the solicitor's fees; they are not yet paid, and I do not know what they will be.

5187. That has to be added to the 75 *l.*?

Yes.

5188. For the nine cases?

For the nine cases. I do not know what it will be; the solicitor has not sent in his bill, but the counsel's and valuator's fees are included in the 75 *l.*, and everything else, of course, and personal expenses.

5189. It would be considerably over a year of the rental in question, would it not?

Considerably; it is nearly double.

5190. As compared with the sum really at stake, it would be something like ten-fold?

It is ruinous, I believe, and for that reason we have decided that we would not take any more trouble in defending cases. The witnesses that must go down will go down, and give their evidence, and do nothing more than that.

5191. Have any of the cases been appealed against?

We have appealed in all these cases, but the appeals have not been heard yet; they are to be heard next week before the Head Commission.

5192. Will the appeals be heard by the Commissioners on the spot, or in Dublin?

At Castlebar; they are put down for to-day, but I do not think they will be heard until Monday.

5193. Have the Commissioners had any examination made by their own valuators?

Yes, they have already sent down their own court valuator.

5194. That examination you do not know the result of yet?

I do not.

5195. Let me ask you about the tenants of the holdings of between 4 *l.* and 5 *l.*; do they live on their holdings; I do not speak of their physical existence, but do they support themselves by their holdings?

My feeling is that if there was no rent at all, they would be just as poor as they are now; quite as poor; and that the rent is really nothing. If the rents were reduced to sixpence an acre, it would not make any difference in their lives.

5196. We understand the rent to be something like 2 *s.* 6 *d.* an acre?

Yes.

5197. And there would be something like 30 or 40 acres of this land, would there not?

Yes.

5198. What does the land grow?

Some of it of course grows very little. Of course they have all got some bad and some good, as you will see by looking at this valuation of ours; all the cases are valued there, and the different quality of land is given in each case. The good land will produce very good crops, and I may say that my sub-agent who lives down there has a farm (I do not know how many acres), the

rent

rent of which is about 15 *l.* a year, and he told me last year (and I believe him) that he made between 60 *l.* and 70 *l.* on that holding. Of course it is a little lower rented than perhaps it would be to a tenant, because it is partly his payment. The Government valuation of his farm is about 19 *l.*, and he pays 15 *l.*

5199. Let us take one of these small holdings of between 4 *l.* and 5 *l.*; the proportion of good land must be very small, I suppose, as that is the total rent?
Of course it is; the rental is small.

5200. What proportion of good land would there be in a rental of 4 *l.* and 5 *l.*?
I could not tell you now.

5201. Not much above a couple of acres, I suppose?
I should think not, of the best land.

5202. What do they do with the land; do they grow potatoes?
They grow potatoes.

5203. Anything else?
Yes, corn, potatoes, oats, and turnips; they have very bad meadows, of course, still they have meadow-land, and they sell butter, and sell it in the Ballina market every week.

5204. Have they any horse labour, or is it all hand labour?
Yes, they have donkeys and horses, and carts; the very small tenants use principally donkeys with baskets.

5205. Earl of *Pembroke and Montgomery.*] Do they cultivate their land well?
No, certainly not.

5206. *Chairman.*] What do you suppose one of these tenants could make out of his holding in a year; I mean a fairly industrious tenant?
I do not know that I could answer that question accurately at all.

5207. Do they employ any labourers, or is the labour done only by their own families?
By their own families as a rule; of course there may be exceptions; they have very large families, and the children and women all work on the small holdings; but, I believe, if there was no rent at all they would be just as poor as they are now, because the rent is such an infinitesimal quantity as compared with their annual expenditure, generally, that I feel it is not a weight round their neck at all in that sense.

5208. That is what I wanted to come to; what would you suppose to be the ordinary expenditure of an ordinary family on a holding of that kind?
I do not think they could live for under 30 *l.* or 40 *l.* a year; I do not see how they could.

5209. Can they make, out of the land, the difference between the 4 *l.* or 5 *l.* and the 30 *l.* or 40 *l.*; do they make it in any other way?
I do not know; they sell turf, many of them, and make it in that way; many of them, I believe, have made 20 *l.* and 30 *l.* a year by selling our turf; when I say "many," I mean that I believe it has been done.

5210. Of course there is a demand for that, it being near Ballina?
Quite so, a great demand.

5211. But after all, that is not strictly farming, is it?
Quite so, but it is another way of living.

5212. Duke of *Somerset*] What is the sort of houses which they live in?
The worst kind; they are mud cabins, thatched of course.

5213. *Chairman.*] Is the population very numerous in this part of Mayo?
It is very numerous, and great numbers go to America yearly.

5214. Is there much emigration going on now?
A great number go to America every year.

5215. How do they provide for the expense of their emigration?
I cannot tell you; I think they have the money. I cannot tell where it comes from; we often wonder; they have saved money evidently.

5216. Who are those who emigrate; are they families or single men?
Very seldom the whole family; it is generally some out of the families. Sometimes whole families do emigrate, but that is not, I am sorry to say, very often the case,

5217. Perhaps the stronger and healthier go and leave the worst behind?
That is just what does happen.

5218. Where do they go to generally from that part of the country; Canada or America?
The United States, I think. I do not think they go to Canada at all from that part.

5219. Where do they ship from; Sligo?
Dublin, I think, principally, and Queenstown; I know that I have met a great many of them going to Dublin.

5220. Duke of *Somerset.*] Do they seem willing to go?
I cannot say that; I do not know. I think the young men like to go, and families, as I say, I have not seen go; because they do not go from our property. I do not know of any one whole family having gone. I should like to make a remark about the rent that was raised.

5221. With regard to the holding on which it was raised 1 *l.*; what observation do you wish to make?
It strikes me that there does not seem to be any special reason why they should have raised that rent more than any of the others; it was not in any way lower than the rest.

5222. No reason was assigned for raising the rent, as I understand?
No; no reason was assigned that I heard of, but I was not in Court, and did not hear the decision.

5223. Has the tenant appealed in that case?
No; my own feeling about it is that if judgment had been given in that case in November it would have been dealt with in just the same way as the others; that is my feeling about it.

5224. Of course that is only speculation; judgment, you say, was given in February?
Yes, it was given in February; the reason why they did not give the decision in November was because they had not been on the land; they had not had time to go, and therefore that case had to wait until they came in February.

5225. Viscount *Hutchinson.*] Have you appealed in that case?
In all the others we have.

5226. Not in that one?
Not in the one where they raised the rent.

5227. Duke of *Norfolk.*] There is nothing in that decision that helps you to arrive at the reason that governed the decision, is there?
Not at all.

5228. Lord *Brabourne.*] The tenant has not appealed in that case, has he?
No; but it had a wholesome effect in one sense upon the tenants; they said after that that they were all sorry that they had sent in their notices, but still they are going on with them, although that frightened them somewhat.

5229. *Chairman.*]

5229. *Chairman.*] In the case of appeals, do the tenants pay their own costs, or is there any fund raised for them?

That is a matter that I wanted to mention. In every case, I believe, except ours, down in Mayo, at that sitting, the costs were given against the landlords; for what reason I cannot say; there was no reason assigned at all.

5230. The costs of the first hearing, do you mean?

The costs of the first hearing were given against the landlord.

5231. That rule has been altered since then, I believe, has it not?

Yes, but it was only in our cases that the costs were not given; that really puzzled us too, because if they reduced our rents, why the costs should not have been given against us I do not see; though of course I was glad that they were not. In the one case in which the decision was given in February, the percentage was much lower than in the other cases, which supports what I feel about it.

5232. What was done about costs in the case where the rent was raised?

There were no costs given in it, or in any of our cases. There was nothing said about costs in any case.

5233. Whether they reduced the rent, or raised the rent, they equally said nothing about the costs?

That is so in our cases; I do not know what they did in others. There was only one rent raised in the whole of Mayo, that I have heard of, and that was ours; but if I may say what I feel to be the case, it is this: if we had put our valuation of 1868 upon the tenants, (and which was never put upon them), and had been receiving an increase of between 300 *l.* and 400 *l.* a year since then, we would have been reduced nothing more than we have been now. That is exactly what is the case on all the properties around; they are all about the same as our valuation of 1868, if not higher; they are a good deal higher in many instances, and they have only been reduced about the same as we have been, that is, about 25 per cent., and all of them, when reduced, are far above Griffiths' valuation. That is where we feel it so very hard; we feel that we have been made to suffer for being lenient with the tenants all our lives.

5234. Viscount *Hutchinson.*] In fact you observe that you have been a victim of a systematic reduction?

Quite so; that is quite what we feel about it.

5235. Lord *Brabourne.*] According to that, the man who has pressed his tenants is better off under this Act than the man who has been lenient with them?

Infinitely; that is what we all feel. It is the same thing in other parts of Ireland, I believe, but certainly in our case it is very palpable; we have been mulct tremendously, which we should not have been if we had put our rents at the valuation of 1868, and had been receiving the additional rental since. We would have been at a higher rental than the old rent, and have had 400 *l.* a year for the last 12 or 14 years had we done that.

5236. Viscount *Hutchinson.*] Most of the estates and properties around you, I suppose, where this reduction has taken place upon a higher rental than yours, consist of very much the same class of land as yours?

Exactly the same. There is no difference whatever, and the rent everywhere, far higher than Griffiths' valuation, is reduced in just the same proportion as ours.

5237. About 25 per cent.?

About 25 per cent. in most instances, I believe.

5238. Earl of *Pembroke and Montgomery.*] Were the tenants' improvements extensive on the holdings on which they were reduced?

Not at all. They swore to a great many improvements, but I do not think they proved them, and we do not see them; we never saw them, and nobody could see them.

5239. You could not say that the value of the tenants' improvements in any way corresponded with the reductions in rent?
Certainly not; I do not think so.

5240. They did not amount to it?
I do not think so.

5241. Did you observe any correspondence at all between the reductions in rent and the amount of the tenants' improvements?
No.

5242. None at all?
None at all.

5243. I should like to ask you one question about the feeling of the people in the country; is there a very hostile feeling to everybody who is supposed to be connected with England in your part of the country?
I confess that at the time the Land Court first sat, that is the first session, I never saw such ill-feeling as there was that month, but since that time it has died away a little; at that time I never saw such a change within six months; it was wonderful.

5244. That was not merely a feeling against landlords, but a feeling against all classes who might be supposed to be connected with English rule?
Quite so. Until last year, or the year before last, the tenants of this estate were the most easily guided people that ever were. There was no difficulty whatever with them; they were very easily settled with.

5245. Lord *Brabourne.*] To what do you attribute the change?
I attribute it to the feeling that they are going to get something. They think the best way to get it is to fight for it, I think, in the way of fighting against their landlords. That is the feeling of many there that I have spoken to. I may say with regard to the tenants' evidence at the Land Court that their evidence with regard to value was most absurd. They often said that their land was not worth one-tenth of what the rent was; for instance, even the man whose rent was raised said that the real fair rent would have been about a quarter of the old rent; and that is pretty much what happens in every case; and their evidence, I think, was taken into account quite as much as the landlords. They swore that there had been given no money for improvements during any year, although it was distinctly proved that there had been, and proved from their own pass-books, in many instances.

5246. Marquess of *Salisbury.*] What is the financial condition of the tenants in that part of the country to which you are referring; do you imagine that they are well off or badly off?
I believe that this year our tenants (I do not know about others) have money.

5247. In the banks?
Well, in the banks, or the stocking; that is their bank. I may mention that about four or five years ago, when the late owner of this property died, there were two years in arrear, and those two years' arrears were paid off in three years without much difficulty.

5248. What was the cause of the arrear?
I think it was ever since the famine year that it had remained owing.

5249. Viscount *Hutchinson.*] Do you think that it commenced in 1848?
Yes, I think so.

5250. Marquess of *Salisbury.*] Have you any arrears now?
Not generally on the property, but with several of the poorest of the tenants we have. Of course there are a great many of them very poor; I admit that.

5251. How far back does the arrear go?
A great many years; in some cases six years, in some cases seven years.

5252. Do you think there is any probability of recovering any part of that arrear from the tenants?

I am afraid not much; some part of it certainly we would recover; every year they pay a portion of it off; but I am afraid that if the Arrears Bill did not help us we would not get the whole of it.

5253. You would not get the whole with the Arrears Bill, would you?

No; but I mean a great portion of it.

5254. You say that a portion is paid off every year; do you mean that in addition to their current rent they pay a little of the past rent?

Certainly; that is the only way in which we can try and get it off. It has been going on for years and years.

5255. Has it been going on in the same way; have they always paid off a little?

No, not always. The landlords are very often glad to get the year's rent, or the half-year's rent, from the very poor ones. It is not really a question of the amount of the rent, but because they are so poor that they cannot live; that is the fact.

5256. Do they live upon the produce of the land, or upon their work in England?

I think on the work in England principally. A great many of them come over to England every year.

5257. *Chairman.*] Do they come to England?

Yes; I forgot to mention that just now.

5258. Lord *Brabourne.*] Have you had the property of which you are speaking in your possession long?

My grandfather bought it some time before 1842.

5259. Marquess of *Salisbury.*] Have the tenants got the money now to pay any portion of the arrears that they refuse to pay?

I am sure they have; does your Lordship mean my own tenants?

5260. Yes.

I am sure many of them could pay, but they are holding out to some extent.

5261. *Chairman.*] At this moment are they in arrear largely?

Some of them are, not the whole estate, but only in some individual cases, and that has been the case for years.

5262. Earl of *Pembroke and Montgomery.*] Have any proceedings been taken in those cases?

Yes, in some cases, and I got the money. There has never been an eviction on the estate, I think, since 1842; never for years, certainly, but there have been proceedings taken. There were about 30 writs served last year, and I got all the rent demanded in all those cases.

5263. Marquess of *Salisbury.*] Process has always been successful without having recourse to the necessity of eviction?

Always except in one case, and that was allowed to stand over because the tenant was so poor that he could not pay. That is the only one case I know of in which the rent was not paid by reason of the ejectment proceedings.

5264. You do not know anything of the neighbouring properties, and how they stand with regard to arrears?

No; I am sure they must be very much about the same, though I cannot say that from my own knowledge.

5265. Do you know what proportion of the whole rental of your property is in arrear?

I could not exactly say. I should think not more than perhaps about 20 tenants out of the whole of the 120 are in arrear.

5266. The 20 tenants, I presume, would be the poorest?
Certainly; it is only because they are poor that they are in arrear.

5267. Would they all be under an annual value of 30 *l.*?
Certainly; the rents are only about 5 *l.* a year.

5268. Is that the case with respect to the whole of the 120 tenants?
Those in arrear, I may say, are all small ones.

5269. Can you at all tell me what proportion of those who hold under 30 *l.* are in arrear?
I could not exactly tell you that.

5270. You could not at all give me an approximation, or idea?
Roughly guessing, I should say that of the 120 tenants, about 80 would be about 5 *l.* a year; and that of those, about 20 are in arrear, or between 20 and 30; I do not know whether that is right or not, but I should imagine that that is about it.

5271. Do you imagine that your estate is worse off in the matter of arrears than the estates of your neighbours, or that it is better, or similar?
I should think it is very similar; that is my own feeling about it. Of course I admit we have been very lax with the tenants in many cases from generosity, from not liking to turn them out, and others, perhaps, have not been so lenient.

5272. People who have been harder are better off, you think?
Infinitely better off; there is no doubt about it. That is what we feel.

5273. The tendency of recent events in Ireland is to cause landlords to be as hard as possible, is it not?
There is no doubt about it.

5274. To exact the last shilling at the earliest day?
Certainly, for their own temporal advantage.

5275. Looking simply at the commercial aspect of the question, without any reference to moral considerations, that is the tendency, as I understand you?
Quite so. In all the cases in which we were served with notices we demanded, when we went into court, that the rent should be raised; I asked the tenants for a rise before they went into court, so as to make it in form, as we thought at that time that it was necessary to do so, and that the rents ought to be raised; it was only in the one case that the court raised it, but I believe that it was not necessary to demand the rent beforehand.

The Witness is directed to withdraw.

SIR SAMUEL HAYES, BART., is called in; and Examined, as follows:

5276. *Chairman.*] YOU are a magistrate and deputy-lieutenant for county Donegal, I believe?
I am.

5277. And we understand that you have been, for about 22 years, in possession of your property, which is an old family property, as we know, in the county Donegal?
That is so.

5278. What is the extent of your property, the acreage?
About 22,600 acres.

5279. And are the holdings large or small?
Decidedly small.

5280. How many tenants have you?
Six hundred and two is the exact number.

5281. And generally, what is the rental of the holdings?
The average is under 10 *l.*

5282. As compared with the valuation, which is called Griffith's valuation, is your rental above it, or below it. I mean the rental before recent changes?
Taking the whole of the property, it is seven per cent. under Griffith's valuation, but that may be accounted for. I think I ought to say by the fact of there being some old leases, and they are all below the valuation; and about 160 of the other tenants are also at or under it.

5283. That makes the average below Griffith's valuation?
That makes the average below Griffith's valuation.

5284. But, excluding those, and taking the ordinary yearly holdings, are they above or below Griffith's valuation?
The average will be above five or six per cent. above Griffith's valuation, as near as I can say.

5285. When was the last valuation of the estate made?
In the year 1858, by Brassington and Gale.

5286. That was before you came into possession?
Just before I came into possession.

5287. And were the rents raised then to the amount of that valuation?
They were not raised entirely to that amount. Since then I have sold a portion of the property.

5288. In what year was that sale made?
That was in 1878.

5289. And to what extent?
Twelve hundred pounds a-year.

5290. How many years purchase did it fetch?
It averaged between 25 and 26 years; and perhaps I may say that I was offered 26 years' purchase for a much larger portion of the estate, but I did not accept it, because it would have produced more money than I required at that time.

5291. With regard to the privileges of the tenants, what rights have they as to turf?
They have not free turbary, because I have always charged a nominal sum of 1 *s.*, so as to reserve my right over it, but with that exception they have all been allowed the turf.

5292. What do you call a nominal sum?
One shilling a-year to each tenant.

5293. That is not much?
No, it is a very nominal sum; 1 *s.* up to 40 perches; that is for their own consumption, and over that they were allowed to cut as much as they liked upon paying 1 *s.* 6 *d.* a perch.

5294. Over the 40 perches?
Over the 40 perches.

5295. Forty perches a year they have for 1 *s.* a year?
One shilling a year, and 1 *s.* 6 *d.* is what I charge strangers, and they are put in the same category as strangers after that amount.

5296. Have they any rights as to limestone and timber?
They are allowed to take the limestone free.

5927. Is that limestone for putting on the ground?

For burning and putting on the ground. Of course they have to draw it some little distance, but they have been allowed to have it free; and in addition to that, large quantities of timber were given to them free, up to a very few years ago; but I found that that did not answer, so I put a nominal price upon that; I found that they took it, not wanting it but simply wasting it, therefore I put a very nominal price upon that also.

5298. Has there been tenant right upon the estate?
There has.

5299. Without limit?
I may say without limit.

5300. What has the tenant right generally realised?
On an average about 16½ years' purchase, varying from six and a half up to 30 years' purchase. It has gone as high as 30 years' purchase; I can show you a table, if you care to see it, of the tenant right sold during the last number of years.

5301. What estates are in your neighbourhood?
Lord Lifford's and Sir William Styles'; and Colonel Montgomery's is another.

5302. Compared with the rentals round about you, is your estate moderately rented?
I think we are all just about the same.

5303. Have you had any disputes with your tenants until the present agitation has arisen?
None; and though of course the Irish tenantry could never be called quite contented, they were certainly so far contented that they paid their rents perfectly willingly up to the commencement of the agitation.

5304. Willingly and punctually?
Punctually to a great extent. Of course there are always some stragglers who come in a little later; but the whole amount was paid. I have got a table here with the whole rents paid in full, and some arrears besides, down to the year 1879, when of course there was a great falling off. The rent was always paid in full prior to that time.

5305. When did the falling off first begin?
In the year 1879, I see from the table, that there was a great falling off then.

5306. Under the Act of 1881, some of your tenants have gone into court to have a judicial rent fixed?
They have.

5307. How many?
Fifty-five originating notices I have had altogether.

5308. And how many have been heard?
Fifteen.

5309. Where were they heard?
Some were heard at Letterkenny, and some at Stranorlar. They were listed for hearing on two occasions before they came on; the third time they were heard.

5310. Why did they not come on; were they not reached?
They were not reached.

5311. And when did they come on; was it in May?
Some time in May, the exact date I cannot remember.

5312. The exact date does not matter; have you got a list of the cases, with the rents?
I have (*the same is handed in*); the Government valuation is the front column.

5313. This

5313. This shows the Government valuation, the present rent, and the judicial rent fixed?
Yes.

5314. What is the column which I see in blank, "Nolan's valuation"?
That is my valuator's valuation, and I am sorry to say I have not got that. He was busy, being much employed in the county, and I have not had time to get it since I knew that I was to appear before your Lordships.

5315. Is that a valuation that he gave as a witness?
Yes; I should like to have put it in, because, in every case, I think, it was above the present rent. There may have been one or two cases where it was at the present rent, but I think in almost all it was above it.

5316. Have you made an average of what the reduction is upon the whole?
About 22 per cent. reduction upon the whole.

5317. Were any of the rents raised?
Not one.

5318. All reduced?
All reduced; and not only reduced, but what struck me as very extraordinary was that they were almost all reduced below the Government valuation. There were some exceptions to that, of course; but, as a rule, they are all reduced below the Government valuation.

5319. Not all of them?
Not all, but I think, as a rule, they are.

5320. In the first one the judicial rent is 50 *l.*, and the Government valuation 52 *l.* 10 *s.*; that is a reduction of 2 *l.* 10 *s.*?
Yes.

5321. In the next the judicial rent was 32 *l.* 10 *s.*, and the Government valuation 28 *l.* 15 *s.*?
There are some, I know.

5322. They have taken the Government valuation in the next at 23 *l.*?
Yes.

5323. Then I see one, 7 *l.* 10 *s.*, Government valuation reduced to 6 *l.*; 10 *l.* 10 *s.* reduced to 9 *l.* 10 *s.*; there are a great many reductions?
There is one case in particular that struck me, where the present rent was under Griffiths' valuation; they have still reduced it considerably below that again. If I remember the name, M'Dade, the Government valuation was 10 *l.* 10 *s.*, and I think they have reduced it to 9 *l.*, or to 9 *l.* 10 *s.*

5324. Then were their decisions given with any reasons or without reasons?
I was not in court, but I do not believe there were any particular reasons given. (*The document is handed in.*) I have appealed against the cases.

5325. Against all of them?
Yes, I have. These being the first cases, and because I do not consider the decisions just, I have appealed.

5326. These rents which have been reduced are the rents which have been paid by the tenants, as you have mentioned?
They are the rents that have been paid all that time.

5327. When you sold the portion of your property which you mentioned, was any part purchased by the tenants?
There was a certain amount purchased by the tenants.

5328. Did they pay the same price on the old rental of 25½ years' purchase?
They paid quite that average. One I see paid 30 years' purchase. Tenant right, I should think, was rather over an average of 16½ years' purchase.

5329. Has a sufficient time elapsed for you to know what the effec t of those decisions will be as regards the other tenants coming into court?
Hardly yet; but one cannot help drawing one's own conclusions from it. Owing to these reductions I do not see what is to stop all of them coming into court. I think it is possible they may stop knowing that those cases are being appealed against. I do not know whether that may influence them in any way.

5330. They may wait to see the effect of it. You have purchased the tithe-rent charge upon your property, have you not?
I have.

5331. When did you make that purchase?
Very shortly after the passing of the Church Act.

5332. Is the purchase-money payable by instalments?
By instalments.

5333. It is not, therefore, all paid, I suppose?
Not nearly. The whole amount I have to pay is 195 *l.* a year.

5334. You have to pay that 195 *l.* a year?
Yes.

5335. It was made on an estimate of the produce, I suppose, at that time?
I suppose that was it. There was a calculation made, and I know that the entire amount came to a very little more than what I was paying before, and at the end of 50 years that ceases, as far as I can understand the tithe.

5336. Have you also to pay the Board of Works' instalments?
I have to pay the Board of Works' instalments.

5337. What is that for?
That is for money I got for improvements for rough land that I took into my own hands. I gave a great deal of labour with it, of course. It was mountain land, I may say.

5338. Was that land that was in the hands of tenants?
Some of it was in my own hands, and some of it I got from the tenants by amicable arrangement with them, having paid them for their tenant-right.

5339. Your estate, as we understand, is a family estate?
It is a family estate.

5340. Is it in settlement?
The greater portion of it is in settlement; a small portion is not in settlement.

5341. Is it subject to jointure and charges?
To jointure and heavy charges.

5342. And those charges, of course, will remain fixed, no matter what the reductions in the rental are?
Perfectly so.

5343. And virtually the reduction comes out of the margin, after paying the jointure and charges?
Yes.

5344. Are there mortgages?
There are mortgages.

5345. On the settled or unsettled part?
On both. I paid off a large portion of the mortgage on the settled portion of the estate with money realised by the sale of that portion of the property before alluded to; having been empowered by will to sell for such purposes.

5346. Have any of the mortgagees called for their money?
It may have been a curious coincidence, but three days after the first decisions

decisions were given fixing the judicial rents, I got a letter from a mortgagee calling in mortgages.

5347. Is it a feasible thing in Ireland to get a transfer of any mortgage taken by any one now?
I am advised by my lawyer that it is utterly impossible; that no one would think of advancing the money.

5348. So that you are left with all the fixed charges on the property, and the reductions take effect upon what was the surplus after the charges were paid?
That is so, with every prospect of large reductions, as far as I can see; and not only that, but perhaps I might mention the charges for the younger members of the family. They are on the property now, under certain conditions, to be paid off on marriage; for instance, I could not get the money to pay them off now. I could not raise the money to pay them off.

5349. The charges are of such a kind that there is an obligation on you to pay them off from time to time?
Yes.

5350. And you can only pay them off by borrowing the money?
By borrowing the money; and that power is now taken away from me, for as far as I can see nobody would lend.

5351. Marquess of *Salisbury*.] Have you any of your tenants in arrear?
Considerably in arrear.

5352. Does that apply to the richer tenants as well as the poorer tenants?
Principally to the poorer. There is one thing, that the running half-year is always in arrear.

5353. The hanging gale?
At the hanging gale they are all in arrear, or with very few exceptions.

5354. Besides that, you have arrears?
Besides that, I have a large amount of arrears.

5355. Would the tenants in arrear be mainly over or under 30 *l.* a year in value?
Mainly under.

5356. How many years, would you say, on the average, they were in arrear?
I really have not made out that calculation, but I should think certainly three years. Some of them, of course, are in arrear long years back, six or seven years, I may say, in arrears. Those arrears, of course, accrued a long time ago. That is only on exceptional parts of the property.

5357. Considering merely the tenants who are under 30 *l.* valuation, what proportion should you say are in arrear?
I should say, certainly, four-fifths.

5358. And all of them, you say, are in arrear for three years?
I should say that, on an average. I should not say that all of them were in arrear to that extent, but some of them, being so much more than three years, would make that average. I think some of them would certainly not be more than one, or, at the most, two years in arrear, because they have a habit of sometimes paying one year, leaving the next year unpaid, and then paying again, like that.

5359. Under the new Act they have the right, have they not, of selling their tenant-right?
They have.

5360. At what rate of value would a man on your estate, whose rent was 30 *l.*, sell his tenant-right?
The average, as I have just shown, is, I think, 16½ years.

5361. Sixteen and a-half years at 30 *l.*?
Rather less than 16½ years at 30 *l.*; say, 15 years.

5362. That tenant-right is a very considerable security for the payment of those arrears, is it not?
Certainly it is.

5363. And I suppose, if you despaired of getting any more arrears out of your tenant, you might evict him and force him to sell his tenant-right?
Quite so. It might have been done in many many cases, but that one was, I suppose "good-natured," is the word to use, enough not to force it.

5364. Quite so; but still if you were dealing with the matter strictly on commercial principles, that is the way in which you would recover your arrears?
Quite so, and often it has been done not by compulsion; but a man has sold off voluntarily, finding he could not pay year after year, and the arrears have been paid out of the proceeds of that sale.

5365. But with that tenant-right remaining there, it cannot be said that your debts are bad debts?
Certainly not.

5366. There is good security against them all in that tenant-right?
Certainly.

5367. If it was proposed to take away that security from you, you would be very hardly used, would you not?
Very hardly, indeed, I think.

5368. Have you any knowledge of the state of the proprietors who are next to you?
I know that there are large arrears. I know on one property, particularly, of a friend of mine (Sir William Styles), there are large arrears.

5369. Should you, speaking generally (of course you can only speak very roughly and approximately), imagine their condition to be similar to yours?
I should think it is very much so. I think, perhaps, there are a larger number of the poorer tenants upon his property than upon mine.

5370. But of those poorer tenants you would think there are probably about the same proportion in arrear?
Quite so.

5371. And I suppose the tenant-right would range at about the same value as with you?
I fancy so; I think it is about the same.

5372. Do you imagine that your tenants have money in hand?
I imagine some of them may certainly have, but I should be sorry to say that I think all of them have.

5373. I suppose that will be confined to the richer ones?
Yes, I think so, though it is extraordinary how some of them have got money in hand that you would never think had; judging from their exterior look of poverty one would think they had not a penny, but many of them have money.

5374. Are many of them indebted to the banks?
I think a great many of them are.

5375. And to the tradesmen?
I fancy so.

5376. Out of what has the rent been paid; out of the value of the land, or out of any labour wages they may have earned in England or elsewhere?
Generally out of the value of the land; they have tried to make it so.

5377. They

5377. They do not go to England?
Some of them go to Scotland. Some of the poorer class do, in fact a great many of those do, but the richer sort of course do not. I think when their extreme poverty is spoken of, people do not take into account that the poverty is very often produced by extreme laziness. They do not work their farm, and they do not do anything for it.

5378. You do not consider them to be industrious?
I cannot say that I do; that is to say, I am glad to think a great many of them are industrious, and the industrious ones never find any difficulty in paying their rent. It is the lazy, thriftless ones that appear to get behindhand.

5379. You would not take thrift to be a predominant characteristic of the poorer population in your country?
I certainly would not.

5380. Do they make any improvements on their property?
Very rarely. Some of the better sort do, but the others I cannot say do.

5381. Has there been much agitation among them?
A considerable deal lately. It has not burst out in the sort of flame that it has in other parts, but there has been a good deal of suppressed agitation.

5382. Do you imagine that they have been at all affected by projects which we understand are before Parliament with respect to the payment of arrears in the payment of their own debts?
I should think they were, but it is only a matter of conjecture on my part.

5383. It has not come to your knowledge at all?
I have not been in that part of the country at all lately.

5384. You have not been there for some months?
No; I have had other reasons for being in Dublin the last few months, so that I have not come in contact with them.

5385. Supposing that there was a proposition for paying a portion of their arrears out of public money, and for remitting any portion of their arrears forcibly by Act of Parliament, do you think that such a proposition, if adopted, would have in future years any detrimental effect on their willingness to pay rents?
I should think it would most decidedly have a prejudicial effect, not only upon them, but I think it would create a tremendous feeling of discontent amongst other tenants, well doing tenants, who have striven to pay their rents, and have done so; they seeing the other men having their arrears paid for them, it would naturally, I should think, promote discontent amongst them.

5386. All those who actually came within the benefit of such hypothetical legislation would, whenever pressure came round again, look for similar succour?
I think so, without doubt.

5387. And they would put pressure on their landlord to obtain it?
I think there is very little doubt about it.

5388. Viscount *Hutchinson.*] I think you stated the amount of reduction which you had upon your property; what was the amount at which you put it?
About 22 per cent.

5389. Did you state the amount of your yearly rental at issue; can you tell me what that was?
The bulk sum.

5390. The gross rental of the number of cases decided?
I am afraid I did not tot it up.

5391. What relation does it bear to the expenses you incur in defending these cases?

I have not got the entire thing, because the valuator was away; but I think I could not put it at less than about 3 *l.* a case, without the appeal; and what the costs of the appeal will be I do not know.

5392. You suffered a postponement in one case, did you not?

I did; that is true. I did not calculate that when you asked me the question. Of course that is a further expense, but even with that I think I may say it is 3 *l.* a case, as I allowed a small margin when naming that sum.

5393. Does that cover solicitor's expenses, counsel's fees, and valuator's charges?

I did not employ counsel as I thought I could not afford it. I only employed a local solicitor. I did not go to all the expense that some people do, I am well aware, for I did not see the object of it, to tell you the truth.

5394. And it was about 3 *l.* a case, irrespective of the amount in issue in each case?

About 3 *l.* a case. I would not be perfectly exact, because I have not got my other valuator's bill; I had not time to get it, for he was away.

5395. Marquess of *Salisbury.*] I understood that your valuator generally gave evidence in favour of your rents being lower than the value of the land?

My valuator valued almost all the rents higher than they are at now.

5396. Exactly; he gave evidence in favour of the rents being lower than the true value of the land?

Yes, quite so.

5397. Were there valuators on the other side?

There were, such as they are.

5398. I suppose not instructed men?

No, they are the very commonest sort. I do not know really who they were exactly; but I have been in court myself sometimes, and know the class of valuator that they have.

5399. What courts were you in?

I was in Letterkenny. I only went there once, to tell the truth, for I felt rather disgusted with it, and did not go again; but I attended one to see what it was like. I was also at the Lifford court once

5400. Was there anything in the circumstances or the conduct of the court that induced you not to return to it?

I was going to say I think it a most extraordinary court altogether. It appears to me to be a court where landlords are vilified and abused to the heart's content of any attorney who likes to get up, and who wishes to get a little notoriety. That struck me, in the first place, very forcibly indeed; and it is needless to say that he has a very admiring audience in the tenantry who have now become discontented, though they were not discontented before.

5401. When you say the tenantry are an admiring audience, were they allowed to give expression to their admiration?

It could with difficulty be suppressed, but Mr. Burke did suppress it.

5402. There was no sympathy with that kind of language shown from the Bench?

No sympathy, but I think it is not put a stop to in the way one would imagine. It struck me, and a great many others, too. I heard some friends of my own abused in very round terms, and in a way that astonished me.

5403. Viscount *Hutchinson.*] Was it personal abuse?

Yes, it was, and I think violent abuse really.

5404. Marquess of *Salisbury.*] Were you under cross-examination?

No, I did not appear in my own cases.

5405. Did

5405. Did you see any landlords appear?
I did one; Lord Lifford. That was the only one I saw.

5406. He was examined?
He was examined, and had evidence to give in his own case.

5407. Abuse has been spoken to (I do not know whether you had any opportunity of witnessing it), and witnesses being cross-examined on matters irrelevant to the case before the Court, but painful to themselves?
I think so. I heard cases of that kind. I remember one case in particular; a case of a friend of my own. I do not know whether I ought to mention names, but the attorney elected to call him a liar in so many words. He was very old, and very ill. The gentleman himself was not there, but it was done behind his back. He was an old man, and not able to see his tenants on one occasion. It was something about that, and the attorney abused him in the most unwarrantable manner, I think; but this was tolerated.

5408. Duke of *Norfolk.*] Do you mean that the Courts might become means of disseminating principles against the landlords or against any particular class?
That is what I do mean. I think it is calculated to do that, most decidedly.

5409. Are those who are acting for the landlords, such as agents or valuators, held up to contempt in the same sort of way?
They are in many cases. I have not heard that myself. I was only present on two occasions

5410. Was it done in such way as to prejudice them?
Trying to damage their character, and with that sort of feeling.

5411. Would you say that it was done in such a way as to amount to intimidation?
Hardly that, I should think; but still to damage their character.

5412. It would be purely personal, I suppose; it would not affect any political question with regard to the connection with England, or anything of that kind, would it?
No, I do not think that it would.

5413. Marquess of *Salisbury.*] Are you acquainted at all with the effect of these judicial decisions upon the position of any of your neighbours; of course I do not wish you to mention any names, I wish rather to know what the effect upon the proprietary class has been in the part of the country with which you are acquainted?
I think gentlemen (and I can quite understand it) are very reluctant to let anybody know how they are affected by it; it is a very natural feeling, and I share it myself, but I think it is one's duty to state the facts; consequently one does not know actually, but one can say almost to a certainty, that they are very prejudicially affected by it, and a great number of them are in very great straits.

5454. Have many ceased to reside in the country in consequence?
Immediately about me, I am sorry to say, there were so few at the best of times, that it cannot be said many have left; but in one case in particular I know some people have been forced to leave; they could not live there; not because of intimidation, but simply from want of money; another family has also left, though their leaving was more from the general discomfort of the agitation, I think, than anything else.

5415. Has there been, do you think, much arrest or stoppage in the expenditure of money in the country?
In a general way, do you mean?

5416. I mean by proprietors, and persons dependent upon or connected with them?
I think there has certainly been a stoppage. I think everybody is trying to reduce their expenditure as much as they possibly can.

5417. And not to spend so much money as they used to do in the country?
I think not, simply because they are not able to do it owing to what has happened in recent years. They have to curtail expenses in every kind of way.

5418. I think you have already said the advance of money on mortgage has almost ceased?
I think entirely, as far as I know. I could not see my way to get any to pay off any charges at all.

5419. Is it since 1878, or is it at a later or earlier period that the present state of tension of feeling between landlord and tenant has arisen?
I think that first year of distress, as they call it (which was exaggerated a great deal, though there was a certain amount, I know), was when it really began to show itself very much. That was made a means for agitating in the most unwarrantable manner, I think. Though there was distress, it was very much exaggerated.

5420. Do the Roman Catholic clergy in your district take much part in the agitation?
I cannot say that they do openly, and I am not justified, I suppose, in saying what one thinks about it.

5421. At all events you have no ostensible ground for imputing it to them?
No.

5422. Then by what machinery was this agitation conducted; was it simply strangers coming into the district, or were there persons of influence whom they got hold of in the district?
I think there were people going round agitating quietly, and then they had their Land League meetings, and disseminated their views, even the local people. There are some local people about who got up, and what I call spouted to them these doctrines on several occasions.

5423. Do you think before 1878 these doctrines did not exist at all?
I will not say that I think they were not working up, but they did not come out in any kind of way before. I can see a marked difference ever since the Land Act of 1870.

5424. You think that begun the controversy?
Yes, there has been a growing difference in the general demeanour of the tenant towards the landlord, and everything like that. There was a decided difference from that time, and it gradually got worse and worse.

5425. Do you mean that a conviction reached them that they had an ally in the English Government or the English Parliament against their landlords?
I rather think so; that appeared to be the thing, and if they made enough fuss about it they might get some more benefit. I think that is what it gave them to understand.

5426. Did you notice the circumstance very distinctly?
Decidedly; and not only I, but I think everyone would corroborate what I say.

5427. You had not noticed any such alteration of good feeling before that time?
Not at all; it was quite a different thing. If you will allow me, I should like to make a remark upon one or two points. First, with regard to the courts I have attended, as I was at one or two courts. I have already spoken as to the personal abuse lavished upon landlords, but next to that I think a very important thing is the class of evidence that the Commissioners seemed to take, while utterly ignoring other classes of evidence. The evidence of the tenants' valuators seems to be accepted with very little hesitation. I can quote an instance of the class of valuator. I know my near neighbour and relative, Lord Lifford, has got one very troublesome and discontented small tenant, and

I have

I have another upon my property; the one goes and values his property, and the other comes and values my property; immediately after that their own cases are settled, and this evidence seems to be taken without much hesitation at all. To corroborate what I say, I will read, if you will allow me, a very short extract from a letter from my agent, who is a very clever man, about it. He says: "What most strikes myself, as well as others with whom I have consulted, in regard to the decisions of the Sub-Commissioners, is the impossibility of knowing or finding out on what basis they ground their judgments, and, consequently, the difficulty of knowing what evidence to produce. My own opinion is, it is immaterial whether the landlord produces any evidence or not. I have seen cases heard where the landlord has not appeared at all, and the decisions were much the same as in other cases on the adjoining townlands, where the landlord produced evidence, and contested the cases fully. The Commissioners visit the lands, and inspect them as carefully as one could expect, considering the number of cases they have to get through in a day, and on this personal inspection they fix the rent. What I am much surprised at is that they do not enquire into the prices of produce, or the produce per acre, for after all these are the fundamental bases upon which any fair rent should be fixed, and such prices should be taken over a number of years, when the rent fixed is to be unalterable for 15 years. Over and over I have seen the tenant's valuator, often one of themselves, proved utterly wrong in the principles on which he based his valuation, and the Court have even expressed themselves that such evidence was unreliable, and yet the result has been a reduction of rent." That is the opinion of a man who attends on these cases; he has attended all mine, and those are his views upon that subject. Another thing is, of course, the enormous expense; we have touched upon the matter before. It is needless to say that one tenant can go on, and stand the small expense to him, whatever it may be; but if it comes to a matter of 600 tenants, I do not see how a landlord in my position can defend the cases at all. I am perfectly sure I could not, and the consequence, I suppose, is that I shall have to leave them undefended; but as to that matter I have not made up my mind exactly as to what I am to do. Another thing that strikes me is this; there are three points with regard to the circumstances of a landlord now, that are deserving of the most serious attention. One of those is that the amount that he has to pay for the mortgages and the charges on his property is exactly at the same rate that he always had, although his rents are reduced enormously. Another thing is the tithe rent-charge, and the interest to the Board of Works. The tithe rent-charge most of us have thought a hard thing for a long time, it is needless to say; but be that as it may, that it should remain as it always has been is a very unfair thing. As to the Board of Works' money, many of us felt ourselves in a position, when we borrowed the money, which justified us in doing so, having a certain margin to act upon. Now, that margin is swept away by the very Government who advanced the money, and yet we are expected to pay exactly the same amount of interest. I can only say with regard to the last items that I trust there will be some reduction; but with regard to the first, that is money for paying charges, it appears to me that the State certainly ought to be pressed to advance moneys to the landlords at a reduced rate of interest to enable them to pay those charges. I do not pretend to be a great financier myself, but I am told by those who have abler heads than mine that it could be done without loss to the State, and if it could be done, it is surely a very small portion of justice to give to the landlords to enable them to meet their charges, and not allow their estates actually to be sold up at a value which is ridiculously small, and which it positively must end in so far as I can see now, unless something is done. Of course it is for your Lordships to consider whether anything can be done in the matter, but it would be of immense value to many landlords if such a scheme as this could be carried out. With regard to the Arrears Bill (I do not know whether it is right for me to touch upon the Arrears Bill), if that was carried, it appears to me that it might be a great inducement to many landlords to get a ready sum of money into their hands, but it is such an utterly immoral proceeding that I think very many proprietors would, if canvassed, vote against it. If that money could be

applied to the extension of the purchase clauses, it would be, in my opinion, more beneficial to the country in every sort of way, for peace of the country generally, and for the landlord and tenant individually. So far as regards the arrears, even if land were sold at 25 years' purchase, which certainly it must be to recoup the landlord in any way, there should be some scheme such as charging a man in arrear a higher price than a man not in arrear; suppose that a man were in arrear, he should not get his land quite for the same value as a man not in arrear. Some such scheme as that struck me as being possible. Of course it is for wiser heads than mine to deal with that, but the crisis is so very imminent to many of us, that one cannot help seeing that something must be done. I can only say, in conclusion, that it is with a feeling of great pain (and it is most unpleasant to me personally) that one talks of one's private affairs in this way; but when so many interests are involved beyond my own, I think it is my duty to do so, however painful it may be at the time.

Adjourned to Thursday next, at Twelve o'clock.

# *Die Jovis, 22° Junii,* 1882.

## LORDS PRESENT:

| | |
|---|---|
| Duke of SOMERSET. | Earl CAIRNS. |
| Marquess of SALISBURY. | Lord TYRONE. |
| Marquess of ABERCORN. | Lord CARYSFORT. |
| Earl of PEMBROKE and MONTGOMERY. | Lord KENRY. |
| | Lord BRABOURNE. |

THE EARL CAIRNS, IN THE CHAIR.

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MR. SAMUEL MURRAY HUSSEY, is called in; and Examined, as follows:

5428. *Chairman.*] WE understand that you are the owner of land, and that you are also an agent for various properties in the south of Ireland, and that you are and have been well acquainted with the value and management of land in Ireland for many years?
Yes.

5429. You have been a purchaser yourself, we understand, in the Landed Estates Court?
Yes, nearly all my property was purchased in the Landed Estates Court.

5430. Will you be good enough to give us the particulars of your purchases in the Landed Estates Court?
The last purchase I made in the Landed Estates Court was in August 1879, for 30,275 *l.*

5431. What county was that in?
In the county of Kerry.

5432. What was the acreage of the property?
In or about 3,000 acres.

5433. What was the rental of that property?
The rental was 1,264 *l.* 10 *s.* 2 *d.*, exclusive of some turbary worth about 200 *l.* a year.

5434. And you had the usual conveyance, I suppose, from the Landed Estates Court?
I had the usual conveyance, but of course no books, or maps, or papers to enable me to prove what the former rents were.

5435. No papers of any kind were handed to you?
None.

5436. Nothing but the simple conveyance?
Nothing but the simple conveyance.

5437. Is that the conveyance you have in your hand?
A copy of it, and the particulars of purchase are on the other side. I shall leave that as an exhibit. (*The document is handed to his Lordship.*)

5438. What is on the other side has nothing to do with the purchase, but is a statement of your own?
It is a statement connected with the purchase.

5439. You had better hand in, if you please, a copy of the conveyance; I will hand you back the statement. (*The document is handed in,* vide *Appendix.*) After you made this purchase did you raise the rent at all?
No.

5440. None of the rent?
None whatsoever, nor did I ever contemplate it.

5441. And the rents until the Act of last year were just as they were when you made the purchase?
Just as they were.

5442. Have you made any expenditure upon the purchase yourself?
I have spent about 2,300 *l.*

5443. What upon?
Mostly drainage.

5444. Has any offer been made to you with regard to the charge on your estate?
None. When the Land Act of 1881 was passed, the majority of the tenants served notices to have their rents reduced.

5445. How many tenants were there on the property?
Probably 80; but I am not quite certain.

5446. And how many have served you with originating notices?
About half of that number, and several of those tenants had, previous to the Act of 1881, bid 27 years' purchase for their holdings.

5447. You mean when you bought?
Yes.

5448. They bid against you?
Yes; they bid against me.

5449. Twenty-seven years' purchase on their then rental, do you mean?
Twenty-seven years' purchase on their then rental.

5450. Are you able to say how many have bid for their holdings on those terms?
Very nearly half the rental, or more than half.

5451. Lord *Tyrone.*] Did they all offer 27 years' purchase, or did they vary?
The average was about 26 years.

5452. The average of the offers of the tenants?
Yes.

5453. *Chairman.*] I suppose we may assume that you bid a higher sum than that?
No; I did not pay higher.

5454. You say they bid against you?
Yes, but the owners would not divide the estate. They declined to divide the estate, and if the owners had been willing to sell to the tenants, I should not have bid against them.

5455 To come to these originating notices, when were they heard?
They have none of them been heard yet.

5456. Were they not down for hearing?
They were down for hearing, but at the same time there were several notices posted up in the county of Kerry, offering a reward to any person that would shoot me; public rewards.

5457. Then

5457. Then what steps did you take in regard to that, with regard to the hearing of the cases?
I went to London for a time, and I applied by affidavit to the Commissioners for the adjournment of the cases, which was granted.

5458. The cases are all adjourned, then?
The cases are all adjourned.

5459. When do they come on?
They will probably come on in November. You may remember, it being a matter of notoriety, that that is what happened to Mr. Bourke; he went to attend the Land Court, and they waylaid him on the way back.

5460. Was that in the same country?
No; in the county Galway.

5461. Were your rents punctually paid until lately?
Yes.

5462. Up to what time?
They are punctually paid now up to last September.

5463. You have no arrears?
Not many. Immediately on the passing of the Land Act in 1881, I tendered the property to the Commissioners, and asked to get back my money, and said I was quite willing to make a sacrifice of all my expenditure.

5464. What answer did you get?
The answer was that they could not do it.

5465. Now, to come to the properties for which you are agent; where are they situated in Kerry?
I receive rent in Kerry, and in some adjacent baronies of Cork and Limerick, from 4,608 tenants, representing a rental of 80,644 *l.* I am partner in a land agency firm where they receive about 130,000 *l.* from 4,500 tenants.

5466. What is the name of the firm?
Hussey and Townshend.

5467. Is that beside the 80,000 *l.* odd that you receive yourself?
Entirely exclusive of it.

5468. £. 130,000?
£. 130,000, about.

5469. So that between you and your firm you receive something like 210,000 *l.* rental?
And my son receives the rental from 4,510 tenants in Connaught.

5470. What is the rental there?
£. 24,000.

5471. That comes to pretty nearly a quarter of a million, altogether?
Very nearly.

5472. Or rather more than a quarter of a million; is one of the properties for which you are agent Mr. Osborne's?
Yes.

5473. In Kerry?
Yes, in Kerry.

5474. How many acres are there in that property?
Two thousand five hundred statute acres.

5475. What is the rental of that?
The rental in 1840 was 2,376 *l.*

5476. What is it now?
It is now about 2,100 *l.*

5477. How has the reduction been made?
From time to time.

5478. By a voluntary reduction?
By voluntary reduction.

5479. And in 1840 it was 2,376 *l.*?
Yes. There was only one townland on it completely adjudicated on.

5480. I want to know about that; how many of the tenants have served notices upon that property?
I may say all.

5481. And has there been any adjudication; if so, at what sitting?
There was an adjudication at the last sitting of one townland on it.

5482. In June?
In June.

5483. Will you tell the Committee what was the result of that adjudication?
I produced the lease of 1828 to show that it was then leased at 305 *l.*

5484. The townland?
The townland. I produced the rental of 1840 to show that that rental was paid with only 3 *s.* 4 *d.* arrears. The rental, when about to be adjudicated upon, was 240 *l.*

5485. Reduced from 300 *l.* to 240 *l.*?
Yes, voluntarily reduced, and the Commissioners reduced it further to 212 *l.*, although the landlord had spent about 100 *l.* in embanking it.

5486. That was a reduction of how much?
Of very nearly one-third from the rental of 1840. The old rent was 305 *l.*, and they reduced it to 210 *l.*

5487. But the rent that they had to operate upon was 240 *l.*?
£. 240.

5488. I speak of that; the reduction from that was about 12 per cent.?
Twelve per cent. I do not know if it is relevant to add that; according to Government Returns published in Scotland, if that farm had been in Scotland the rents would have been now 457 *l.*, and if in England, 390 *l.*

5489. Earl of *Pembroke and Montgomery.*] How do you arrive at that calculation?
From the North British Agricultural Returns. In Scotland the rentals are published, the taxation being based on the rental, and the rise was 49 per cent. from 1840, and somewhere about 27 per cent. in England.

5490. *Chairman.*] Had any improvements been made by the tenants on that townland?
None that I knew of.

5491. Did you attend the hearing of the cases yourself?
Yes.

5492. Were any reasons given by the Commissioners?
No, they never give any reasons. The Chief Commissioner said that rent being paid for a very long time was no evidence that it was a fair rent. I submitted that when the same families were found on the farm it was.

5493. Another estate for which you are agent is Sir Edward Denny's, is it not?
Yes.

5494. Where is that?
Near the town of Tralee.

5495. Have any cases been heard on that estate?
A few.

5496. What has been the result?
The invariable result in all estates is a reduction.

5497. Just tell me what it has been?
There was one case in which the rental, going back to 1832, was 30 *l.* 10 *s.*, and it was the same rent when the Sub-Commissioners heard the case. The landlord's valuator swore to the existing rent of 30 *l.* 10 *s.* being fair; the tenant's valuator swore to 22 *l.* being fair, on account of the way the farm was depreciated in value. The Sub-Commissioners fixed the rent at 27 *l.* The landlord appealed against that, and the Head Commissioners reduced it to 21 *l.* 10 *s.*, which was less than the tenant's own valuator put it at.

5498. On the landlord's appeal?
On the landlord's appeal.

5499. Did they give any reasons for that?
No.

5500. Did they inspect the holding themselves, or did their valuator?
They sent a valuator, I believe. I know they did.

5501. Had you his report before you?
No.

5502. It might have been produced?
It might have been produced if we had asked for it, but I did not see it.

5503. You did not ask for it?
I did not.

5504. Marquess of *Abercorn.*] Was the valuator Mr. Gray?
I think it was Mr. Murray.

5505. *Chairman.*] Were there any other cases on Sir Edward Denny's estate?
There were a good many other cases, all culminating in reduction, but that is a typical case to which I allude.

5506. Were there appeals in the other cases, or only in this one?
There were appeals in the other cases.

5507. Were they confirmed?
The rent fixed by the Sub-Commissioners was allowed to stand as it was.

5508. Have you got the particulars of the other cases before you?
No.

5509. You have not got them?
No, I have not got them; there were not very many.

5510. What did you find, in your part of the country, was the expense of the proceedings in these cases?
Is it to the landlord or to the tenant that your Lordship refers?

5511. To both?
The tenant's expense is not much, because they value for each other. As regards the landlord, there is such a system of intimidation of valuators, that you must pay very high.

5512. Before you leave the tenants; you say their expense is not much; how much do you suppose?
They have no expense of valuators, for they value for each other.

5513. I suppose they have a lawyer, or agent?
If they employ a solicitor, I suppose it is only in round numbers, 5 *l.* When they employ a counsel, it ranges from 7 *l.* to 10 *l.*

5514. For each case?
For each case.

5515. Then, with regard to the landlord, what do his expenses amount to?
The expenses of the landlord will be at least double that.

5516. What is the reason of the difference of the expense?
Because the landlord has to pay a valuator from three to five guineas a day, and he may be occupied there three or four days waiting for a case to be heard.

5517. Does he pay him that for each case, or for the day?
For the day.

5518. So that if three or four cases were decided in one day he would be paid just as for the day?
He would be paid just as for the day.

5519. Lord *Tyrone.*] Would not he have to be paid for the separate valuations of the farm?
Yes, he would have to be paid for the separate valuations of the farms.

5520. *Chairman.*] Besides?
Yes. I will give one instance; I brought a valuator 30 miles to prove the value of some farms; he took a day going, a day coming back, and five days there; that was 20 guineas, and there was not a single case heard.

5521. You paid him that for his valuation beforehand?
For his valuation, and for his attendance, waiting to have the cases heard.

5522. I do not quite understand what you mean. Before the case comes on for hearing the valuator has to attend at the farm, and acquaint himself with it, and with the value of it?
Yes.

5523. What is he paid for that?
All I paid him for that was three guineas.

5524. Three guineas for travelling and all?
No, three guineas for his time.

5525. And his travelling expenses?
And his travelling expenses, which were about a guinea, making four guineas altogether.

5526. Lord *Tyrone.*] Was that for each farm?
No, a group of farms.

5526*. *Chairman.*] When the case comes on for hearing, he is paid his travelling expenses?
Yes, to the sessions, and for attending the sessions.

5527. How much a day does he get?
Three guineas.

5528. Can you state what would be anything like the average expenditure in each case to the landlord; I do not mean taking a particular case, but taking them all round, at what would you put the average?
I think they would cost him, on the average, nearly 20 *l.* Of course if they were all heard on the day appointed it would not be so much as that.

5529. In the properties that you are acquainted with, have the reductions gone below what is called Griffith's valuation, or not?
They have not gone below, but Kerry is the lowest valued county in Ireland.

5530. On Griffith's valuation?
On Griffith's valuation.

5531. So that as a standard, whatever it may be elsewhere, you would not put it as a guide there?
It is wholly useless.

5532. Lord *Tyrone.*] Have you known of land fairly let at a very large percentage above Griffith's valuation in Kerry?
I have known land fairly let at double Griffith's valuation in Kerry, and I have known lands too dear at a third of that valuation.

5533. *Chairman.*] To go back for a moment to that case in which you say the rent was so much reduced by the head Commissioners, how do you account for that great reduction?
It appears to me that when you depart from the principle of the value of land being what it will bring, there is a great deal of capriciousness about it.

5534. That does not very well account for it. I said how do you account for it; is your only way to account for it by caprice?
By caprice. Every man forms a different opinion of the value of land; how can a man in the east going down to the west where climate, soil, markets, farming and everything is different, judge of the value of that land in a few hours?

5535. Who was the valuator that the head Commissioner sent down?
Mr. Murray.

5536. Is not he a man of experience and skill?
Not on the west coast of Ireland; I believe he was never on the land before.

5537. Is it your opinion that there cannot be a valuation of a farm on the west coast, except by a local valuator acquainted with the west?
It is very difficult for him to do it. After he had been there some months at work he would be able to do it, but certainly in the first case that he had he would make great mistakes.

5538. Lord *Tyrone.*] If this valuation was so important as you appear to think it was, may I ask why you did not ask to see it?
I did not happen to be there; in fact, I was not there at the time.

5539. *Chairman.*] Who represented you?
My solicitor, and he did not ask for it.

5540. Did not he ask for it?
No, he did not.

5541. Then, for aught you know, Mr. Murray's valuation may have been a higher one than the rent fixed?
The Commissioners said that that was the Court valuation.

5542. Lord *Tyrone.*] The valuation placed upon the land by the Court, but not by Mr. Murray?
By Mr. Murray, and by the Court.

5543. I believe they vary it; they do not always adhere to the valuation of their own valuers?
Not always, but generally they do. It is a great grievance in many cases that the Court valuer does not give notice to the landlord when he is going there, and then he has only the tenant's side of the story to hear.

5544. I thought there were a great number of cases that I have seen returned, in which the Chief Commissioners valued the rents very much below what their own valuers had put upon them?
Yes, I have known instances of that.

5545. Therefore you cannot tell, in this instance, whether Mr. Murray put a higher rent on or not?
I happen to know that he did, for the Court said that it was his valuation.

5546. *Chairman.*] If they said that it was his valuation, possibly that may have accounted for your agent not asking to see it?
Yes, he could not gain very much by seeing it.

5547. Was there any question of improvements on that holding?
None.

5548. You did not mention what the acreage was; what was the size of the holding?
Forty-eight English acres. That is the very case, printed, and there is the other case about my own property, also printed. (*Handing in documents.*)

5549. Lord *Tyrone.*] What is your opinion of the effect of the Land Act upon the country?
Most disastrous. It is upsetting the relations between landlord and tenant, and all the produce of the soil is going in law.

5550. Have you noticed any intimidation of witnesses before these courts?
In the case of Lord Headley's estate, I wrote to a man who valued it some years before, and I asked him to appear for me, and he writes: "I beg to thank you for your very kind and remunerative offer, but from the present disturbed state of the country, I would not consider my position a safe one while acting on the unpopular side." And also I may mention on Mr. Osborne's estate, of which I gave evidence here, one witness refused to come up for me, because he had his farm in meadow, and he said they told him that he would not be allowed to sell any of the hay if he gave evidence.

5551. Have you found that landlords' valuators are difficult to get?
They are very hard to get; it is almost impossible to get them, except at a very large price.

5552. Has the intimation anything to do with that?
It must have something to do with it, I should say.

5553. And when you have got valuers which I suppose you have employed upon the different estates for which you are agent, have you found that their valuations are very often far below what their valuation would have been a couple of years ago?
Invariably so.

5554. How do you account for that?
They wish to stand well with the Sub-Commissioners, I think.

5555. Therefore you would infer that they ignore the interests of their clients?
To a great extent.

5556. Lord *Kenry.*] How do you know what their valuation would have been two years ago?
By having had some of them to value for me.

5557. Lord *Tyrone.*] I understand you to say, they do at the present time put a lower valuation on the land than what would be a fair valuation?
Yes, that is my opinion.

5558. Is that owing to the fact that they have no guide at all, and the fact that the competition for land is done away with?
It is done away with, and there is no guide.

5559. Are they now taking the judicial rents as a guide?
Yes, generally, I think.

5560. Lord *Brabourne.*] The fact is, that when you eliminate the element of competition, you really leave yourself to be tossed about upon a sea of doubts, and a number of various individual opinions, with no real rule as to what the value of land may be; is not that so?
Precisely so.

5561. Marquess of *Abercorn.*] Do you find that very little attention is paid to the landlords' valuators by the Commissioners?
I cannot say, as they give no reasons.

5562. Lord *Tyrone.*] What effect do you think these reductions are likely to have upon many estates that you are acquainted with?

It means ruin to almost every encumbered estate in Ireland. I will give you one case. There is a gentleman who had his money at 4¼ per cent. interest. The mortgagee increased it to 5 per cent., because he could not be paid as well as usual, and the Commissioners reduced one rent from 25 *l.* to 14 *l.*, that is, practically speaking, sweeping away the entire margin. I will give another case of a gentleman in the county of Kerry; his rental was 1,200 *l.* a year; there was a head rent of 100 *l.*; there was tithe of 30 *l.*; there was a jointure of 120 *l.*; and that and the taxes and management made up the outgoings to 400 *l.* a year. He owed 8,000 *l.*, which was another 400 *l.* a year. The Commissioners reduced his rent one-third, which was a third 400 *l.* a year.

5563. Therefore that left him without anything?

Without anything.

5564. Earl of *Pembroke and Montgomery.*] What has happened to him now?

He is living with his mother, who fortunately has something in England.

5565. Lord *Tyrone.*] From your experience of Irish estates, are you of opinion that they are heavily charged as a rule?

Very heavily charged.

5566. And therefore if these reductions go on you anticipate that a large number of landlords will be absolutely left without a shilling in the world?

Unless the Government step in by loans to landlords, according to a scheme I proposed, or by facilitating sales to tenants on a very large scale, almost every encumbered proprietor in Ireland will be ruined.

5567. Do you think there is any probability of any sales of land taking place, unless something is done by the Government to increase the powers of working the Bright clauses?

None; no tenant but a lunatic would buy under the present terms.

5568. Therefore you look upon it that they are an absolutely dead letter?

Certainly.

5569. How, under those circumstances, are these men whom you anticipate will be ruined to get out of their difficulty?

They cannot get out of it; it is an impossibility.

5570. Then, what do you think will happen?

They will all be ruined.

5571. What will happen to their property?

After a certain number of years elapse the mortgagees will sell, I suppose, to the tenants at their own rate; that is half the present value perhaps.

5572. Then the mortgagees will have a heavy loss?

The mortgagees will have a heavy loss, and the landlord will lose all. The judicial rents in many cases will be harder to get than before, because the Act of 1881 destroyed the principal remedy which you had for recovering your rents.

5573. *Chairman.*] How is that?

They prohibited ejectments in the Superior Court except at a cost of about 30 *l.*

5574. The Act of 1881?

Yes.

5575. How is that prohibited, by the Act of 1881?

It is so. There are no ejectments through the Superior Court except where the rent is 100 *l.* a year, and that only applies to one-thirtieth of the tenants in Ireland.

5576. Just let me understand a little more about that. You can have an ejectment in the county court?

Yes, but the county court sessions are only held four times a year, and that causes great delay.

5577. So that it is the delay that is the difficulty?
It is the delay that is the difficulty. It is a great difficulty in the way, and besides, the costs are so small there that if you bring an ejectment in the Quarter Sessions Court it will cost you 30 *s.* for the taxed fees of the attorney, but the tenant is only bound to pay 10 *s.* of that, so that for every ejectment you bring in the Quarter Sessions Court you lose 1 *l.*

5578. Lord *Tyrone.*] If you bring an ejectment in the Superior Court you lose everything?
Everything.

5579. What is the limit?
£. 100 a year.

5580. Under 100 *l.*?
Under 100 *l.* a year.

5581. Lord *Brabourne.*] The charges of which you speak on those estates were imposed at a time when the landlord was able to make use of competition to get a higher rent from his tenant for them, were they not?
Yes.

5582. What I understand to be your complaint upon this head is this, that while legislation has diminished the security of the investment, it has done nothing to relieve the estate from the charges, but left the charges untouched?
Nothing.

5583. That, in one sentence, is what you complain of now?
Yes. Will you allow me to give you one case in point. An uncle of mine had an estate of 2,200 *l.* a year; he charged a jointure of 400 *l.* a year on it, and his son charged a jointure of 400 *l.* a year on it; the two jointures of 800 *l.* a year subsist; the rental is now voluntarily reduced to 1,750 *l.*, and the Commissioners will cut it down about 400 *l.* a year more.

5584. How do you know that?
By the few cases that have been decided. Then the two jointures remain the same, and the whole loss is taken out of the unfortunate owner.

5585. In an English settlement very often there is a provision that there cannot be more than a certain amount charged; but that is not so in Ireland is it?
No.

5586. Lord *Tyrone.*] Have you known cases where a man has left his property divided amongst his children, giving his eldest children the land, to pay the charges of the younger children out of it?
The general cases in Ireland are in that way; it is invariably the case.

5587. And those charges have been placed upon the estate, calculating on the old rentals?
Calculating on the old rentals.

5588. Therefore it would seem fair, if the rental is to be reduced, that the charges should be reduced also?
Of course.

5589. Have you noticed the decisions that have been given by the Sub-Commissioners lately in Ireland?
Yes.

5590. Do you think from your knowledge of the previous decisions that they are decreasing or increasing?
In amount?

5591. The reductions?
In my county the reductions have considerably increased lately.

5592. Lord *Brabourne.*] Upon the same class of land, would you say?
On the same class of land and on the same estates.

5593. Earl of *Pembroke and Montgomery.*] You said that you had some suggestions to make about dealing with these encumbered estates in which the landlord's margin is entirely eaten up?

Yes.

5594. What is your suggestion?

I propose that the State should lend the money at 4¼ per cent. to the landlord to clear off his mortgages; 3¼ per cent. to be the interest and 1 per cent. to be a sinking fund. I shall be happy to give you the details if you wish.

5595. *Chairman.*] Perhaps you will explain your idea, so that it may be more easily followed?

I have said that the State should lend the money at 4¼ per cent., 3¼ to be the interest, and 1 per cent. to be a sinking fund for the term of 15 years. If the landlord could not then sell to his tenants I would propose that the charge should remain, and it would work out in this way: if a man owed 10,000 *l.* he would pay 450 *l.* a year for 15 years. At the end of the 15 years his debt would be only 8,000 *l.*; if he still kept paying the 450 *l.* his debt at the end of another 15 years would only be 4,000 *l.*, and thus by degrees you would get rid of the most undesirable class of society in Ireland, that is to say, heavily encumbered Irish proprietors, who cannot deal with their estates.

5596. Earl of *Pembroke and Montgomery.*] When a man's estate is in the way you describe, with his income entirely eaten up, I do not see how he is to repay on land of that sort; how is he to repay at all?

In the first place, the gentleman I spoke of is paying 5 per cent. at present, and if he got it at 4¼ per cent. it would be a substantial reduction.

5597. Lord *Kenry.*] What is the usual rate of interest; 4½ per cent.?

Four and a-quarter per cent. it used to be in Ireland. The money is not to be got now at all; no man will lend on Irish property.

5598. I mean existing mortgages?

Four and a-quarter and 4½ per cent. and some 5 per cent.

5599. *Chairman.*] Increasing to 5 per cent. if the money is not paid within 30 days?

Yes.

5600. And 6 per cent. if not paid within a further period?

Six per cent. if not paid within a further period.

5601. Earl of *Pembroke and Montgomery.*] Your view is that the difference between 3¼ per cent. and 4¼ per cent. would enable the landlord to live and pay his debt?

Yes, it would be reduced; it would be reducing every day, and he would save an enormous bill of costs, which he has to incur now and again in consequence of people threatening to call in the money and trying to raise it from other people. I will give you one instance connected with an Irish landlord. I was left a charge of 3,000 *l.* on a fee-simple property of 600 *l.* a year; it was a Landed Estates Court title, and it was leased to tenants. I was called upon to divide that money, and I hawked the security all over Cork and Dublin, and could get nobody to lend me money to take it up at 5 or 6 per cent.

5602. *Chairman.*] When was that?

Within the last few weeks. Within the last week I made another application.

5603. What was the security?

£. 600 a year fee-simple property, with the Landed Estates Court title.

5604. How much money was wanted on it?

£. 3,000.

5605. For a fee simple of 600 *l.* a year?

£. 600 a year clear, except the tithe rent-charge.

5606. Lord *Tyrone.*] For what could you have got the money upon that property two or three years ago?
Four and a quarter per cent.

5607. Lord *Brabourne.*] On the estates you have been giving evidence upon how do the tenants stand with regard to arrears?
The arrears are not very heavy in the south.

5608. When you say they are not very heavy, do you mean that they are of one, two, or three years' standing in many instances, or not so much?
Certainly not two on the average in my dealing; in Connaught, I think, they average three years' rental.

5609. In your district, do the arrears operate, do you think, to prevent a settlement between landlord and tenant in many instances?
No, I do not think they do.

5610. In fact it is not a part of the question, that has not come particularly under your notice as affecting the operation of the land courts?
The only operation of the Arrears Bill is, that it has stopped all payment of rents at present.

5611. I do not want to discuss the Bill?
I do not think the Land Act has any effect upon it in my county.

5612. *Chairman.*] It has had the effect of stopping the payment of rents altogether, you say?
The Arrears Bill has.

5613. Do you mean to say in your large experience of rental in the south that rents are less paid now than they were some months ago?
Oh, yes; there is a complete stoppage.

5614. Lord *Brabourne.*] What I understand you to mean (correct me if I am wrong) is this, that the prospect of Parliament dealing with the subject of arrears has had that effect?
Exactly; the tenants do not know their ground; they do not know what is to be paid and what is not.

5615. *Chairman.*] And they run the risk of eviction rather than pay the rents?
In fact they force evictions upon you, because when no tenant is paying on the property, you have the charges to meet, and you must proceed. If a few tenants were paying, you could indulge the others.

5616. Lord *Brabourne.*] I suppose they think if arrears of rent are likely to be forgiven that a man would not be acting a prudent part in paying his rent, but would be doing so rather in letting the arrears accrue?
Of course.

5617. Lord *Tyrone.*] Do you find that that is the same with tenants above 30 *l.* value, as under 30 *l.* value?
Not quite so much, but I know that the tenants above 30 *l.* value hope to have it extended to them, and believe that it will be extended.

5618. Earl of *Pembroke and Montgomery.*] A tenant who had paid his rent up to the present time would get no advantage whatever out of the proposed Bill by refusing to pay rent now?
None; but they do not see that. It is all uncertain. They do not know how the Arrears Bill will come out. They know that an Arrears Bill is brought in, and they do not know how it will be when it comes out.

5619. Lord *Brabourne.*] I suppose they think that if past arrears will be forgiven, there is a possibility of future arrears being also forgiven?
They think the money should be paid for them. At some of their meetings it was said that all the arrears ought to be thrown off, and that Government should give money to stock their farms.

5620. Lord *Kenry.*] You spoke about rents in the year 1840; do you think, as a rule, that rents that were fair in 1840 would be fair rents now?
In butter districts certainly, because butter is double the price now that it was then.

5621. They would not be fair universally, you think?
Not in wheat country, certainly.

5622. In wheat-growing country the land would be deteriorated, naturally?
And the prices much lower.

5623. Were those parts, as to which you mentioned the fact of their not having been increased since 1840, butter country?
All Kerry is butter country, and this place essentially so.

5624. Duke of *Somerset.*] Would the tenants at present buy the land?
No.

5625. You said, when you were speaking of the land that you bought, that they did offer a certain sum for it?
Yes.

5626. Would they buy it now?
No.

5627. They would not buy it?
No; they say they will get their rents cut down one-third, and, to use their own words, "they would be talking to me then."

5628. Then under the present law will a landlord improve any property?
Certainly not, unless he is a lunatic.

5629. Then will the tenants improve it?
Certainly not; they have an interest in running it down until their case is adjudicated upon. In fact, I have known many instances of tenants stopping up the drains on their farms.

5630. Lord *Tyrone.*] Preparatory to going into Court?
Preparatory to going into Court.

5631. Have you had many cases of deterioration of the land?
A great many.

5632. In those cases that have come before the Court, have you met with any, where the tenant has deteriorated the land?
Yes.

5633. Did the Sub-Commissioners seem to think that they must reduce the rent in consequence of the deterioration?
Yes, they said they valued the land as they found it.

5634. Did you give evidence of deterioration?
Yes.

5635. They did not take any notice of that?
In the case that I have quoted the tenant's own valuer admitted deterioration, and the Sub-Commissioners reduced it from 32 *l.* to 27 *l.*, and the Head Commissioners from 27 *l.* to 21 *l.*

5636. Did you produce the proof of deterioration before the Head Commissioners?
No, but they had notes of the evidence, I presume. The landlord's valuator proved it, but the tenant's valuator only proved it before the Sub-Commission. On the question of tenants' valuators will you allow me to give you one case. In the case of Sir George Coulthurst's estate one tenant's valuator swore that the tenant had spent in improvement 395 *l.*, and that the farm after all those improvements was worth only 4 *l.* 16 *s.* a year.

5637. Lord *Brabourne.*] Then in that instance did they allow the improvements in considering the rent?

I do not know whether they did. I believe they let the rent stand as it was.

5638. Something above 4 *l.* 16 *s.*?

£. 6 was the rent, and the man swore that he spent 395 *l.* in improving the 6 *l.* a year land, and that then it was only worth 4 *l.* 16 *s.*

5639. Duke of *Somerset.*] You have told us just now that you propose that the Government should lend money at 4½ per cent.?

Four-and-a-quarter per cent.

5640. Wherever the estates were encumbered.

Wherever the estates were encumbered.

5641. What would that be all through Ireland? Have you taken into consideration what amount it would come to?

It would come to a very large sum, but it might be checked in many ways. In the first place, I would not ask the Government to lend any money where the mortgagee was willing to leave all his money at 4 per cent., nor would I ask the Government to lend any money where the tenants were prepared to purchase at a reasonable sum, and that perhaps would take down more than half. I do not think it would be fair to mortgagees to throw the money on their hands, if they were willing to take a moderate rate of interest.

5642. *Chairman.*] But one of your checks would hardly be any check at all, because if the tenant were to purchase, the Government would have to provide the money in another form?

That is an admitted principle. The Government have announced that they will do that already.

5643. Therefore your only check would be, if the mortgagee was willing to continue his money?

At 4 per cent.

5644. No mortgagee would be willing to continue at 4 per cent., would he?

If it was paid in 21 days after it fell due, I think he would.

5645. Can you give an instance at this moment?

No person will lend or re-lend money now, but I do not think the mortgagees would be prepared to take their money *in globo*, and invest it somewhere else. At present there would be no more loans.

5646. At present they have their mortgages up to 4¼ or 4½ per cent., if paid within 21 days?

Yes, because they are masters of the situation, but they would not be masters of the situation if the Government stepped in.

5647. Would not they be masters of the situation if they were to have their choice either to continue the money at 4 per cent. or to require their money, in which case the Government would have to lend it according to your scheme?

They would, but they would not be masters of the situation to allow them to enforce 5 or 6 per cent., which is what we complain of; then there are the expenses of the Land Commission, and I would not propose that this should come into play until the landlords had arranged with their tenants. The Commission is now going on at a cost, I think, to the Government, of about 10 *l.* a case, and there are 400,000 cases to be heard, and I think that amounts to 4,000,000 *l.*

5648. How do you reckon that it costs the Government 10 *l.* a case?

The number of cases heard up to the present time, according to the Blue Book, is 4,056, and the Commission certainly costs over 2,000 *l.* a week.

5649. Then if the pace was accelerated, it would, of course, cost less?

It would cost less. Then of course the tenants and the landlords would have an interest in settling also; the landlords would get rid of the enormous costs of the court, and the tenant would get rid of the costs of the court; and if the landlord

landlord could do this without ruin to himself, the thing might go on smoothly, and he might do it if he got loans.

5650. Were you able to estimate any figure at which you would put the amount of encumbrances and charges that under your scheme might possibly have to be considered?
I think 30,000,000 *l.* or 40,000,000 *l.*

5651. What is the rental of land in Ireland?
About 14,000,000 *l.*

5652. That would only be about three years' rental?
I calculate they hold more than six years' rental; and the checks I propose would reduce it down to one-half. I have seen it stated that the Land Commission will have done its work in 1883. My experience of Kerry is that my cases will not be disposed of for 25 years. I have 2,500 to come on, and giving me my fair proportion of the cases heard, they will not come on at the rate of more than 100 a year.

5653. Lord *Brabourne.*] At the conclusion of the 25 years, the whole mischief you apprehend will have about been worked; the country will have been ruined by that time; it will take about that time to do it, will it not?
I should think it would be far before then; but if not, it will take about 25 years for the settlement of my cases. Settlements are out of the question, because in several of the properties I represent, settlements upon the basis laid down by the Sub-commissioners, would leave the landlords nothing.

5645. Lord *Tyrone.*] If the cases now pending would take 25 years, have you calculated that all of those cases will arise again in 15 years?
Yes, I am aware of that.

5655. Did you calculate that?
No, I did not. I want to give another case of reduction of rent. The rent in 1802 was 150 *l.* a year.

5656. *Chairman.*] What property was this case on?
Lord Headley's.

5657. What was the acreage of it?
I think about 90 acres.

5658. And what was the rental?
The rental was 150 *l.*; and it was 150 *l.* last June.

5659. When did you say it began at 150 *l.*?
In 1802.

5660. And continued until when?
It continued until last May, and it is now reduced to 125 *l.*

5661. Lord *Tyrone.*] Have you appealed in that case?
I have; but it is not much use, I fear.

5662. Marquess of *Abercorn.*] Do you not think that if the Commissioners gave reasons for their decisions, it would be far easier to make arrangements with the tenants, without going into court?
Certainly it would.

5663. Earl of *Pembroke and Montgomery.*] But your main reason for not making settlements out of court is that the reductions are so large that it would ruin some of the landlords whose estates you administer?
It would ruin some of the landlords whose estates I administer. You could argue with the tenants and see what that would do if you knew upon what conclusions the value was fixed. I have here a copy of the conveyance of my estate in the Landed Estates Court; and there is my plan for the reduction of the mortgage. Of course you will understand I can give several cases of reduction on property bought in the Landed EstatesCourt. I would wish to give one case, that of a Mr. Raycroft, in Macroom.

5664. *Chairman.*] Is this a case of land purchased in the Landed Estates Court?

Yes.

5665. Is it one of the properties you are agent for?

No, but I know it of my own knowledge. He purchased it for 8,000 *l.* in the year 1872. The advertisement set forth that the tenants were very prosperous, thriving, and punctual.

5666. Marquess of *Salisbury.*] Is that an advertisement under the authority of the Court?

An advertisement under the authority of the Court. The Commissioners took down the rent about one-third, leaving the tithe rent-charge and other charges as they stood, which practically reduces this man's income 50 per cent. He was a shopkeeper who made his money in the town of Macroom; and now, in his old age, he must go back to his business again.

5667. Lord *Brabourne.*] He made the investment on the good faith of the British Government?

On the good faith of the British Government, as I did myself.

5668. Lord *Tyrone.*] He could not have had all his cases tried?

He had two sittings, and he has had most of them tried.

5669. Therefore, he knows the worst.

He knows the worst.

5670. Marquess of *Salisbury.*] Has he appealed?

I think not. In my own case I bought property as I made the money from year to year; and I bought about 50,000 *l.* worth of property in the Landed Estates Court on the faith of British security and a British title, and now it is to be swept away from me in my old age.

5671. What is the class of persons generally who have purchased in the Landed Estates Court in recent years; do they come from England or from Ireland?

From Ireland generally.

5672. They are generally people who have made the money by their own exertions?

Those who have made the money by their own exertions, as I did myself. I was a younger son, and I saved money from time to time.

5673. From what you know, should you say that is the general character of the class?

That is the general character of the class.

5674. Lord *Tyrone.*] Shopkeepers have bought a good deal of land, have they not?

Shopkeepers, as a general rule, have bought land.

5675. Marquess of *Salisbury.*] I suppose it will make people rather shy of buying things on the security of the Government for the future?

If I were to live 100 years, I would never invest a shilling in it again. There was one case where the rent was reduced from 25 *l.* to 14 *l.*, in which the advertisement set out that those lands were capable of an increased rent.

5676. Have you no other case that occurred to you that you desire to bring forward?

I could give hundreds of cases under the Land Estates Court Act, but they are nearly all the same.

5677. There are none, you think, particularly deserving of the attention of the Committee?

It is the same all through. All the Landed Estates Court titles have been dealt with in the same way, in round numbers, cutting down 25 per cent. on the gross income, which means one-third on the net income.

5678. And

5678. And very often more than one-third on the actual income taken by the purchaser?
If there is any money borrowed on it, it may be one-half, and only leave one-third, and with greater difficulties of recovering the balance than it had before; so that, to put it shortly, the Land Act means to the people who have purchased in the Landed Estates Court confiscation of the greater portion of their money.

The Witness is directed to withdraw.

Mr. ARTHUR FITZMAURICE, is called in; and Examined, as follows:

5679. *Chairman.*] You are a magistrate for the county of Carlow, and you have been acting as agent over several estates in Ireland, I believe?
Yes.

5680. How many estates?
At present I am agent for 22 properties.

5681. Twenty-two different proprietors?
Yes.

5682. In different counties?
In ten counties of Ireland.

5683. In the south or west?
Chiefly in the south; only one in the north, county Monaghan.

5684. Have you yourself been farming land?
I have.

5685. To what extent?
About 500 acres.

5686. On the estates for which you are agent, have you had many originating notices under the Land Act?
About 75, and one proprietor has had three or four served on himself; between 75 and 80.

5687. Lord *Brabourne.*] On the whole, 22 estates.
Yes, on the whole, 22 estates.

5688. *Chairman.*] How many of those have been heard?
I think about 20; not more than 20, I should say.

5689. And the other tenants, perhaps, are waiting to see the result of those cases?
No, I think they would be very glad if all their cases were heard, but the Commissioners have not had time to come round, and hear the whole of them. There are some pending at the present time that have not been listed.

5690. Do you anticipate that other tenants will serve notices also?
Yes, numbers speak of doing so. In fact, it is almost impossible to satisfy them except through the Court.

5691. Are you agent for Captain Newton's estate in county Carlow?
Yes; and Mr. Philip Newton also.

5692. What is the number of tenants on that estate?
There are about 120 holdings.

5693. And is the rental 1,668 *l.*?
That is it.

5694. What would you put the average size of the holdings at?
There are some of them very small, some of them as low as 10*s.* a year, and there are only two or three tolerably large ones. There is one 80*l.*, and another of 100*l.* a year, and in fact I suppose they scarcely average more than about 10*l.* a piece.

5695. How many cases, with regard to the estate, have been heard by the Land Commission?
Twelve.

5696. Have you got a note of what was the rental of the twelve cases?
I have.

5697. How much was it?
£. 334. 17*s.* 5*d.*

5698. And what has the reduction brought it to
To 234 *l.* 10 *s.*

5699. That is at the rate of how much per cent?
It averages 30 per cent. Some of them are as high as 40 per cent., others down to 17; but it is 30 per cent on the whole average.

5700. How long has that estate been in Captain Newton's family?
For three generations; about 1805 his grandfather had it.

5701. Has part of it during that time been on lease?
Yes, a good portion of it.

5702. I mean, not to the occupying tenant, but to middle-men?
Yes; some portion of it has been. There are two or three portions of the estate which have been in the hands of middle-men?

5703. When did the middle-men's lease expire in reference to these cases?
I presume you ask me as to those listed and heard.

5704. Yes?
It expired in 1864.

5705. Was there a readjustment of the rent of that particular portion when the middle-man's lease expired?
Yes. They had it in patches, up and down in different parts, and in detached portions. They did not know exactly how they would be treated by the late Mr. Newton, and they withheld making any improvements on the place very much; and I then spent two or three days down there, and as far as I possibly could, I put all their lands together for each man to have his holding, so that the lands of each holding would be adjoining, and not crossing each other.

5706. Was any complaint made about the rents before the present agitation began?
No, not the slightest as to the value of the land, except in the year 1879, which was a very disastrous year, and they all complained and asked for a reduction of 15 per cent. in consequence of that, for one year. 1877 and 1878 were both unfavourable years, but 1879 was very unfortunate.

5707. What was the amount of the reduction in 1879?
They got 15 per cent.

5708. That was just for the year?
Just for the year, in the year 1880.

5709. Have there been any evictions, in your experience, on that property?
No, none whatever. I should say there are one or two cases where ejectments were served, and they were not proceeded with. The tenants were not dispossessed.

5710. They were served in order to recover the rent?
Yes.

5711. Lord *Brabourne.*] Are any of those cases under appeal?
All those 12 cases I spoke of are. I have a list here; they are all under appeal.

5712. Did the Sub-Commissioners in those cases view the land themselves?
No, they did not view the land. I should have told you, with regard to that, what really occurred. Captain Newton and I, of course, went with them the day they visited those holdings, and remained with them off and on up to the lunch hour. At the lunch hour we took leave of them; we saw that it was going to be a very wet evening. At that time they had visited four farms, which contained 178 acres, leaving 398 acres to be visited after luncheon.

5713. *Chairman.*] When did this take place; in what month?
On the 1st of April last. I then wrote down to the rent warner of the estate to know what course the Commissioners took after luncheon. He wrote to me, and I have his letter here giving a description of it.

5714. Who is this from?
From the rent warner of the estate.

5715. The bailiff?
Yes; they are generally called rent warners in Ireland.

5716. Did you leave the Commissioners at that time?
We left them at two o'clock; then they went to their luncheon, and I came home. It rained the whole way home, about 19 miles, and I felt they could do nothing afterwards.

5717. Did you understand that they would proceed with their valuation?
I understood that they would, and they did. They visited one farm afterwards, and went up the hill, intending to visit the others, and they did arrive at the top of the hill up to the common's ditch, and they came across (according to the statement of that letter), down to where their carriage was about a mile from there, and one of them took shelter under some fence or a bushy place along with the rent warner, and the other two went on; but the fact is that there were 398 acres which they were supposed to visit after luncheon; and on Monday morning, before the Chairman came into court to announce the decision, I said to the registrar, Mr. Moiston, "I suppose you will have to adjourn those cases." "Oh, no," he said, "the Commissioners are going to give judgment." "Is it possible?" said I; "you had a very wet evening; it rained on me all the way to Carlow." He said, "They are going to give judgment," and I was very much astonished.

5718. I understood you to say that you left, knowing that they were going to proceed with their work?
Yes; we had no business there; we could not interfere in any shape or way; we were merely paying them the compliment of meeting them there, and at two o'clock we left them, and went to luncheon.

5719. Did you protest against their proceeding with the valuation that day?
Not in the slightest; we had no communication with them whatever about it.

5720. But is it impossible to continue a valuation because it rains?
Yes, because it rained very heavily, and no man could well stand out through that rain. It was a very heavy rain, and turned out a very inclement day; of course, if they chose to be wet through they could do it, but it would be doing it under great disadvantages, and it would be utterly impossible for them to value. When they did their utmost, they got on very quickly, and they did their utmost when they valued 178 acres on one day belonging to Captain Newton.

5721. They had heard evidence in Court about it before, I suppose?
Yes.

5722. They had heard the valuation put in on both sides?
Yes, by the tenants and myself.

5723. And on your part?
Yes.

5724. Had you professional valuers employed?
Not on that occasion before them. I had a professional valuator before that, and he was four days in Court at the first sitting in January. I had to pay him eight guineas.

5725. I am speaking now of these cases which you are referring to particularly. Had you any valuer to speak to their value?
Not a professional valuer. I found that it was very little use having a professional valuer.

5726. Who was it that spoke to the value?
I told them my belief of it, and that the rents had not been complained of.

5727. I suppose you were able to speak as well as the valuer?
I should think so. I have been 42 years on my own account dealing with tenants and land.

5728. So that they had your evidence or opinion?
They had my evidence that I thought the rents fair and reasonable, that they had been paid, that no complaints had been made of the rent except in one case, and that was as to a piece of bog on which Captain Newton had laid out 260*l.* in drainage, and 18*l.* a year was added to rent of the holding as a charge for it. The tenant thought he was paying too much, and I told him we were willing to reduce it to 14*l.*, for some of the drains had not worked as well as they ought to do; they filled up, in fact.

5729. What was the evidence on the other side?
The tenants' own ideas of what they ought to pay.

5730. The tenant's own idea?
The tenant's own idea, and the ideas of two or three neighbouring farmers.

5731. Lord *Brabourne.*] Did you see any perceptible difference in the land before lunch, and that valued after the lunch?
No, I did not. I have no idea of that.

5732. *Chairman.*] Did they take a more unfavourable view after lunch?
I do not think their lunch had very much effect on them.

5733. Lord *Brabourne.*] The land would not appear to advantage in a heavy rain?
Certainly not; it is a hilly country with rocks and stones in a great portion of it; that is, comparatively speaking, of very little value.

5734. Lord *Tyrone.*] I would like to put a question to you with regard to that valuing in rain; you mentioned that this was a hilly country?
Yes.

5735. Would it be possible for any man to value farms properly in pouring rain; would not the land look a very great deal worse than it would in fair weather?
I think it would be a very unsatisfactory mode of doing it, but it was absolutely impossible that they could value it.

5736. That is with regard to the time?
Just so.

5737. But I am putting a question with regard to the weather, because that is the important question. We have had evidence before of valuations being made in extremely wet weather; in fact when floods were on the land in some instances; but particularly in hilly country, would not everything look extremely miserable and wretched, and very much below the real value if it was a time of rain?

I should

I should think so. I would not attempt it myself even supposing I had waterproof garments on?

5738. If you put waterproof on yourself it would not affect the land; the point is about the land. Would not the land look very different on a pouring wet day from what it would in moderately fair weather?
It would look to great disadvantage there is no doubt.

5739. *Chairman.*] If you were to cut out of the calendar in Ireland all days on which it rained, and make them *dies non* for the purpose of valuation, I am afraid you would prolong very much the proceedings of those Sub-Commissioners?
If there was no business to be done on every rainy day in Ireland we would do very little business.

5740. Lord *Tyrone.*] The point is this; is it not necessary for a fair decision to be given that it should be given in weather in which a fair decision could be arrived at?
I think so. I quite agree in that opinion.

5741. If it happens to be a day upon which a fair decision cannot be arrived, it surely should be postponed to a day when a fair decision can be arrived at, should it not. If you were sending a valuer round your property you would not expect him to go and value in either your interest or the tenant's interest on a very wet day, or with frost on the ground, or with snow on the ground?
You could not value properly with snow on the ground, nor frost either.

5742. Or if it was flooded; you must take a day upon which you can value; is not that the case?
Certainly; but it is possible, I think, for a man to value that dry, hilly land on a wet day. I think it would be quite possible to do it if you choose to stand out in the rain.

5743. *Chairman.*] Have you a list of the reductions they made?
I have. (*The document is handed in,* vide *Appendix.*)

5744. Lord *Brabourne.*] Was the land of the same character that they valued in the wet?
A greater portion of it; rocky, hilly grazing land.

5745. Might not the fine weather before luncheon have given them a sufficient idea of its value?
No, they valued a good deal of low land before lunch; then they ascended the hill afterwards. When you are on a hill you cannot possibly see more than a couple of hundred yards down, according to steepness, and if you are below you cannot see more than a couple of hundred yards up. You cannot view it in the same way that you would flat ground. That land required to be looked into very closely, because five acres might not be worth half-a-crown an acre, and the next five acres might be worth 10*s.* an acre.

5746. But that statement would involve a very minute valuation, would it not?
And in such a case as that, I think, it ought to be very minute, and in every case, in fact, it ought to be very minute. This is a case of cutting down a man's income.

5747. *Chairman.*] The first five farms were valued before lunch, were they?
The first four.

5748. Are those cases appealed against?
They are.

5749. Are they now under appeal?
They are.

5750. The appeal is not heard?
No.

5751. Lord *Brabourne.*] In every case I see it is above the poor law valuation, but below the present rent?

Yes. The poor law valuation in Ireland is not a guide to rent, nor should it be, because this is the case; in fact, my experience all through Ireland is that the poor law valuation is at a very low rate. They valued some land too low, in fact. My experience of it is that they do not give any attention at all to the letting value.

5752. Were you able to detect any principle underlying the decisions of the Sub-Commissioners?

None whatever. I do not think they have anything to guide them in that respect. One gentleman is a gentleman with some splendid land down at Limerick; and I do not see how he could know much about mountain land.

5753. *Chairman.*] Who were the Sub-Commissioners in your district?

Mr. Wylie was Chairman, Mr. Barry (I think he was from Limerick), and Mr. Kenny, from Galway.

5754. What was their position in life?

In the course of conversation, Mr. Kenny told me, I think, that he farmed 1,000 acres.

5755. In what county?

In Galway; and I think Mr. Kenny had been for some time agent to Lord Derby; he had a property at Limerick, and he sold it. Prior to that, I think he was agent for him.

5756. Have you made any attempt at settling any other cases out of court?

Numbers. I made several attempts. In those cases that I spoke of on those two townlands of Rahanna and Cranagh, I offered to make them a reduction of 15 per cent. permantly for the sake of peace.

5757. On the same townland?

On the two townlands.

5758. Lord *Brabourne.*] Fifteen per cent?

Fifteen per cent.

5759. They get 30 per cent. from the Court?

If it is to continue, that is so; but I can hardly imagine that it will continue.

5760. *Chairman.*] You made that offer, and what did you find?

They declined to have anything to do with it, and since then I have made offers to them on other properties to leave it to the Government valuer, and they have in every case refused it.

5761. Do you mean a valuer sent down by the Commissioners?

Yes, under the new rule.

5762. And they would not have that?

No, they would not have it anywhere.

5763. They preferred the Sub-Commissioners?

Much so; that is if those Sub-Commissioners' decisions are to remain in force.

5764. Lord *Brabourne.*] If they are reversed on appeal, I suppose there will be a good deal of discontent amongst the tenants, would there not?

I should say that privately they would be satisfied, but collectively they might not appear to be very well satisfied, even if the reduction were made smaller.

5765. That means that you have the utmost confidence that the existing rents were fair?

I am quite satisfied that they were. The best proof of it is that the tenants never complained.

5766. *Chairman.*] The estate of which you have been speaking is Captain Newton's estate?

Yes.

5767. What is the total rental of it?
£. 1,668.

5768. I want, for a particular reason, to have the exact rental?
£. 1,668 a-year. That is derived from tenants; he has about 100 acres in his own hands.

5769. There is a head rent, I believe?
Yes, there are head rents.

5770. How much is that?
£. 67. 17 *s.* 11 *d.*

5771. And what is the tithe rent-charge.
£. 75. 11 *s.* 8 *d.*; that includes 36 *l.* 18 *s.* 8 *d.* lay tithe rent-charge.

7572. I want to get the outgoings on the property. There are premiums on life assurance connected with loans; what do they come to?
£. 83. 11 *s.* 8 *d.*

5773. What is the amount of interest on the loans?
£. 804. 15 *s.*

5774. We will take those together; they are 888 *l.*?
£. 888. 6 *s.* 8 *d.*

5775. Marquess of *Salisbury.*] Which are practically all interest for loans?
All interest for loans.

5776. *Chairman.*] And what are the annuities?
£. 100. 7 *s.* 8 *d.*

5777. I suppose you would take the landlord's proportion of taxes, agent's fees, and bailiff's salaries?
They come to about 100 *l.* a-year.

7758. And what do you put the total outgoings at?
The receiver's fees and the bailiff's salary comes to about 100 *l.* a-year, and the poor rate, and income tax, and county cess that he pays comes to another 100 *l.* a-year.

5779. Then the whole outgoings would come to how much?
£. 1,374. 8 *s.* 11 *d.*

5780. And what would the margin be between that and the rental?
£. 294. a-year.

5781. Then, at the rateable reduction which has occurred upon these cases that are decided, that margin would disappear?
It would quite disappear, and more than that. In fact, on the evening of the morning the decision was given by the Commissioners I wrote to Captain Newton, in Carlow, and said, "If they go on at this rate you will not have a shilling a-year to live on."

5782. Is the estate a settled estate?
Yes, that is the reason why there was his necessity for the insurance to cover the loan.

5783. What is your opinion as to the effect that the Land Act has had hitherto on the country?
I do not know exactly how I should answer that. Is it with regard to the immorality of it that your Lordship means?

5784. We will take it as regards the relation of landlord and tenant first?
It has had the effect undoubtedly of setting the landlord as much as possible against the tenant, and the tenant against the landlord. The good feeling that used to exist is quite at an end; but I think it has demoralised the country as much as anything in the world possibly could.

5785. At present, are the people more or less, do you think, engaged in an assiduous cultivation of their farms?
They

They seem to be totally independent of their landlords now; everywhere there is that feeling of great independence, and I think they are farming their land just about the same as usual. I do not think there is any change about that. They have been urged on by agitators. In fact, I may mention an instance that occurred a short time ago, in the beginning of May. I went about 12 miles below Clonmell to visit the farm of a tenant who has served an originating notice belonging to Lord Clonmell's estate; I said to him, "Are you going on with the law into the Land Court; there is no necessity for your doing so." (I went down to see the position of his farm; I knew it to be very moderately let, and wondered very much at getting this notice from him.) He said, "Oh no, sir." "Then why do you go to the expense of it," I asked. "It costs me nothing," he said. I said, "It is some good-natured person, I suppose, that wanted to set you at variance with your landlord, and served the notice for you." The man was silent; but another tenant standing by said, "That is how it was, sir."

5786. He served one of those originating notices?
Yes, the man had no intention whatever of going on with the originating notice. That is just merely an instance of it.

5787. Marquess of *Salisbury.*] Why was there any special hostility to Captain Newton?
He had been Boycotted for giving a decision adverse to what you call the people's wishes in the Petty Sessions Court in Borris. He attends the Petty Sessions Court in Borris, in the county Carlow. He gave a decision with the Honourable Mr. Stopford, and both were for the time Boycotted. The people did what they could to annoy him, but he is one of those cheery good fellows that bore up against it. In another townland he had a good portion of what is called perpetual meadow, which is coarse meadow, and people were very glad to get that up to last year, when notices were put up that they should not take any from him, and they did not. He cut it himself, and has some of it still. That is only an instance of the feeling; and I know he had to get his bread from Carlow, 15 or 16 miles off.

5788. Lord *Tyrone.*] Among the numerous properties that you are agent over, are there many of them encumbered with charges?
There are a great number of encumbrances on almost all of them.

5789. From your knowledge of other estates in Ireland, are there other charges upon them?
I should say there is scarcely an estate in Ireland that has not more or less of encumbrance, some very heavy, and some comparatively light; but, I think, generally speaking, a great number of estates in Ireland are encumbered.

5790. Do you think the reduction in rent is likely to sweep the margin away in many cases?
I have not the slightest doubt about it in a great many cases.

5791. What do you anticipate will be the effect upon the proprietors?
They will be reduced to earning their bread if they were capable of doing so somehow, or else live on the benevolence of their relatives, or go to the workhouse. I do not see any other alternative.

5792. Do you think that will be the case with a great number?
I have not the slightest doubt about it if the deductions continue at the present rate.

5793. And there is no possibility of their realising the value or anything like the value of their land?
It is quite impossible. There is no property now in any part of Ireland that I know of that is saleable. Many wish they had sold long ago. A great number of landlords, I know, would be very glad to sell now at a very low rate.

5794. If the mortgagees were to foreclose and sell them up, I suppose they would lose a great portion of their land.

That

That would depend upon the priorities. Those who had priority would probably be paid, but some might lose the property altogether, and would do so.

5795. Therefore you think those reductions are not only likely to sweep away and destroy many landlords that exist in Ireland, but may also ruin a large number of mortgagees as well?

There cannot be the slightest doubt about it. I am connected with properties that have a very small amount of margin. They are all very old friends of mine, and probably I should not be agent for them were it not for the difficulty of meeting the encumbrances.

5796. Have any of those properties been purchased in the Encumbered Estates Court?

No they are all family properties.

5797. Old family properties?

Old family properties.

5798. And I suppose upon the generality of them the rents have not been raised lately?

No, the old landlord in Ireland was not in the habit of raising his rent. It is the men who have purchased within the last 20 or 25 years in the Landed Estates Court; it is that class who purchase at 4½ or 5 per cent. at 20 or 22 years' purchase, or many of them, who have increased the rent; and my conviction is, were it not for that class of men, there would have been no Land Act of 1870, and probably no Land Act of 1881; that is my belief and conviction. It is the new proprietors that have done the mischief.

5799. In watching these cases, which I suppose you have done pretty carefully in Ireland, do you find there is a great deal of difference in the reduction upon those who have raised the rents and upon those who have allowed the rents to remain as they have been for many years?

I have not the least doubt there is that difference.

5800. I want to know as regards the reduction. Do the Sub-Commissioners reduce in the same proportion, those who have raised the rent lately, and those who have allowed it to remain the same for many years?

I do not think they do. I think they reduce more those who have raised the rents and put them back to the former rents.

5801. Do you think that they bring them up to about a fair average now; that is to say, in the case of the rents that have remained the same for a great number of years; do you think they bring those raised down to that average, and do they bring the ones that have remained the same below what they were?

I really have not compared the cases, and could not give you an answer to that question, but I am quite aware of some instances where the Commissioners have reduced. In fact, I have been present and heard their decisions on some cases where the rent has been raised latterly, and they have reduced them down to the former rent, or perhaps below it, taking into account all their improvements.

5802. Marquess of *Salisbury*.] If let at the former rent the Commissioners would, according to their practice, have reduced that?

They would. It seems to me a settled thing that no matter how long a tenant has been paying his old rent they think it necessary to make some reduction, except in some cases.

5803. Lord *Tyrone*.] Have you watched the reductions that have been going on within the past month or six weeks?

I have not. I have a tremendous lot to do, and I have not paid much attention to them. We have got so accustomed to it now that we throw it overboard; we do not mind it.

5804. You do not know whether they are increasing the amount of the reductions?

I think that latterly they have increased the amount of reductions. We have had only two sittings of the Commissioners in Carlow; I think the first time they did not reduce as much as lately. Whatever is the reason I cannot tell, but there is no doubt whatever that the reductions are much heavier than they were at the first sitting. I had 12 or 14 cases at the first sitting, and, with the exception of two or three of them, there was not very much difference between the rents that were fixed. I appealed in three cases, but we did not proceed with them afterwards.

5805. In the cases you have had decided, do you consider the reductions unreasonable and unjust?
Thoroughly; I think nothing can be more unjust.

5806. Have you come across cases of deterioration of land by the tenants?
No; the land has been very fairly managed, generally speaking, by the tenants upon the properties I have had anything to do with.

5807. Would you speak of that generally?
Yes; all the proprietors I am acting for are kind and considerate men. They would not wish anything unreasonable done, and their tenants are very prosperous, and I have been more fortunate than most people, perhaps, in obtaining good payment, or comparatively good payment.

5808. Therefore the tenants have not deteriorated the land upon these properties?
They have not.

5809. You mentioned something about Griffith's valuation just now; is it not the case that upon mountain land, as a rule, Griffith's valuation is very much lower than upon almost any other class of land?
My experience of Griffith's valuation is, that they value the poor land too high and the rich land too low.

5810. Mountain land, of course, is poor land; but is not that valued almost below the average of bad low-land farms?
Yes, I do not think it is possible where you have such a large staff employed for Griffith's valuation to be exactly relative in proportion, and they have valued the mountain land as much as it ought to be valued at.

5811. These farms you speak of were mountain land?
Yes, all mountain land, except some patches of low land attached to them.

5812. Therefore what sort of average should you yourself imagine in round numbers, could be put upon Griffith's valuation to make it a fair rent upon those farms?
I think from 25 to 30 per cent. in most cases; at the same time there are exceptions. I could name a couple of townlands which I am perfectly certain are too high according to Griffith's valuation.

5813. Marquess of *Abercorn.*] It is a townland valuation?
It is a townland valuation that was made 30 years ago, which makes a very great difference, and a great deal of land has been improved since by the landlords' outlay of money, and that is not taken into account at all. That very instance of Captain Newton having laid out 260 *l.* on a piece of cut-out bog, and let it to the man who got the reduction, is an instance of it. That has not been valued since by the Griffith's valuation people, or the Government valuation.

5814. Marquess of *Salisbury.*] Are any of the tenants of the property with which you are connected in arrear?
Yes, a good many.

5815. A large proportion of them?
No; on some properties there are more in arrears than on others.

5816. Are those in arrear largely in arrear?
A portion of them; I should say about an eighth of the tenants are in arrrear, but of those some perhaps owe three or four years' rent, and some less.

5817. Are

5817. Are they generally the better class of tenants who are in arrear?
No, the smaller class; the smaller class suffered more in 1879 than any others; they had to purchase provisions, which put them into debt throughout, and it is the smaller class who are in arrear.

5818. Of that eighth of the tenants, should you say the larger proportion was under 30*l.*, or over 30 *l.* valuation?
The larger proportion was under 30 *l.*

5819. It is mainly that class of tenants who are in arrear?
Perhaps my answer misleads you a little; I meant to say that there is about an eighth in money, not in numbers.

5820. But in numbers, how many roughly should you say are in arrear?
Perhaps a 12th or a 14th; it is only really hazarding an opinion about that, because I never made them up or counted them up; but I should say about a 12th or 14th in number.

5821. Of the tenants?
Yes.

5822. And those chiefly of the poorer class?
Chiefly of the poorer class.

5823. Lord *Tyrone.*] Have you got a hanging gale generally?
Generally, on all properties.

5824. Marquess of *Salisbury.*] You are not calculating the hanging gale as an arrear?
No.

5825. Is the hanging gale a whole year, or half-a-year?
A half-year. When they owe a year's rent, they generally pay a half-year; there are some exceptions to that. Those who have taken the land lately, pay up two or three months after the rent becoming due.

5826. *Chairman.*] The hanging gale is a half-year?
A half-year.

5827. It has been stated in evidence here, that the effect of the introduction of the Arrears Bill in some districts of Ireland has been to stop the payment of rent altogether for a time; is that your experience?
No, it is not.

5828. Has it made any difference one way or another with you?
No, I do not think it has; I think I have been as well paid the last two months or better than during the last three years.

5829. Marquess of *Salisbury.*] The "no rent" agitation did not make any lodgement with you.
No, it did not. Perhaps for about a month or six weeks there was great hesitation on the part of the people to pay, not knowing how it would be. There is one property, particularly in the Queen's County, where I went to meet the tenants on two occasions, and on neither occasion did they pay me, and did not even put in an appearance. I asked what was the meaning of it, and the rent-warners told me: "The fact is they expect there will be a rebellion before Christmas, and they think they will not have to pay any rent." I merely mention that as an instance of what took place, and to show that they had the most extravagant ideas in their minds.

5830. That was last year?
That was last October or November.

5831. Of those who are several years in arrear, do you regard that rent as irrecoverable?
Quite so, in almost every case.

5832. You do not think you will get it back?
No; in fact, whenever I was paid a year's rent I was satisfied. Last year I

gave them their receipts, and now, under this proposed new Bill, we are told that those receipts may be made applicable to the year ending 1881, and that they will tear up their receipts, and say, "You shall not have it at the time it ends at all; you must apply it to the year ending 1881." That is the programme, I understand.

5833. That was not at all your intention in drawing the receipts?
No, because times might mend very much, and if the tenants were left to themselves I think they would act honestly, and wish to pay if they could. That is my experience of it generally.

The Witness is directed to withdraw.

Mr. FORSTER DUNWOODY, is called in; and Examined, as follows:

5834. *Chairman.*] You are a Land Agent residing at Monaghan?
Yes.

5835. You have been a land agent for many years in that neighbourhood, I believe?
Over 20 years.

5836. What counties have you had experience of?
Chiefly in Monaghan; but I have had to do with estates in Mayo and Tyrone.

5837. Do you farm yourself?
I do.

5838. How much have you in your hands?
I have over 200 acres.

5839. You are well acquainted with Ulster tenant right, are you not?
I am.

5840. You can tell us something about land which has been bought in the Encumbered Estates Court, I suppose?
Yes; but the first thing I wish to state is about an old estate where rents have not been increased for over 50 years.

5841. I will come to that; we will postpone the question as to the Encumbered Estates Court, and first take an estate which has not passed through that court; what estate have you in your mind to speak of?
An estate belonging to Mr. Crookshank, a small property.

5842. Are you agent for it?
Yes.

5843. Where is it situated?
Within three miles of Monaghan.

5844. What is the size of the estate?
It is only 300 *l.* a year.

5845. How many acres; is it 320 statute acres?
Exactly.

5846. How many tenants are there?
About 20.

5847. What is the value of the holdings?
They would average from 12 *l.* to 14 *l.*.

5848. What is the Government valuation?
It is between 250 *l.* and 260 *l.* per annum.

5849. Has there been any change in the rental for some years past?
There has been no change whatever since 1832.

5850. That

5850. That is 50 years ago?
About 50 years. I produced the rental of 1832 before the Sub-Commission, and it was a little larger rent than the tenants are now paying.

5851. Have you had evictions during that time on the estate?
None. I have known the estate for 25 years, and there have been no evictions.

5852. What does the tenant right sell for?
It has sold as high as 18 *l.* per Irish acre, although we tried to limit it at 10 *l.* per acre.

5853. That is nearly twice or double a statute acre?
Not quite so much.

5854. Marquess of *Abercorn.*] How much on the rent, not 18 years' purchase, I suppose?
I do not think it would be so much as 18 years.

5855. Would it not be 1 *l.* an Irish acre; 18 *l.* an acre if the land is worth 1 *l.* an acre would be 18 years' purchase, would it not?
It is set at more than 1 *l.* an acre; it is nearer 1 *l.* per English acre.

5856. *Chairman.*] Has the rental been paid punctually?
Yes.

5857. At present are there any arrears?
Very little, except the tenants who have got judicial rents fixed, but most of the other tenants have their rents paid till November 1881, without any reduction.

5858. And what about those who have had judicial rents fixed?
They happen to be tenants who are in arrear. Those who have got the judicial rents fixed are, I believe, three of the worst tenants on the estate.

5859. How many originating notices have you had on this property?
Eleven have been served and three have been adjudicated on.

5860. When was that?
At the last sittings.

5861. Have you got a note of the result of the decisions?
I have. (*The same is handed in.*)

5862. In the first case the late rent was 14 guineas, Poor Law valuation 12 *l.*, the judicial rent 10 *l.* 15 *s.* In the next case the late rent was 13 *l.* 7 *s.* 4 *d.*, Poor Law valuation 11 *l.* 10 *s.*, judicial rent 10 *l.* In the next case the late rent was 8 *l.* 13 *s.* 6 *d.*, the Government valuation 8 *l.* 5 *s.*, judicial rent 7 *l.* 10 *s.*, so that the result of the whole is that the judicial rent of the three is 28 *l.* 5 *s.* as against 36 *l.* 14 *s.* 10 *d.* of old rent. What is the amount of the reduction; 23 per cent., is it not?
Yes.

5863. And about 13 per cent. below the Government valuation?
Yes.

5864. What was the state of the farms at the time?
There had been a very considerable deterioration. I proved before the Sub-Commissioners that in one instance three crops had been taken, and the field allowed to remain out without manure or without sowing grass seeds. On going over the land with the Sub-Commissioners, I drew their attention to that fact, and the tenant admitted that that was so.

5865. Had you any evidence of valuers, or was it only your own evidence?
We had a valuator.

5866. Did he value it as it stood, or as it would have been if it had not been deteriorated?
He valued it as it stood, and reduced the rent in two instances slightly, and in another he would have increased the rent.

5867. As it stood?
Yes.

5868. What evidence had the tenants?
Principally their own. They had also a farmer who valued it for them.

5869. Did the Sub-Commissioners give any reason for their decisions?
No.

5870. None?
No.

5871. You do not know what the grounds were on which they proceeded?
If it be competent for me to form an opinion, I would consider because of the existing state of the soil.

5872. Was there any question of improvements in controversy?
No, none. The only holding on which there was a good house, and that was the 14 *l.* holding, the landlord paid for a slated roof on the house.

5873. Lord *Brabourne.*] Did you show deterioration on the part of tenants and prove it?
Yes.

5874. We have been told that where deterioration is proved, that is taken into account by the Commissioners, and that they would fix a higher rent in consequence; is that your experience?
That would be a very difficult question for me to give an opinion upon, because I think the great difficulty is to know how the Commissioners arrive at their conclusions.

5875. Marquess of *Salisbury.*] But you insisted very strongly on the deterioration of the soil in your evidence, did you?
I certainly did.

5876. And your valuator gave the value of the farms as they stood at about the existing rent?
In one case it was over the existing rent, and in two other cases it was slightly under.

5877. Nevertheless, in the judicial rent there was a considerable diminution?
Yes, and judicial rents now are considerably under the Government valuations.

5878. Lord *Tyrone.*] Did you state, before the tenant, to the Sub-Commissioners the way in which they had cropped the land?
Yes, I did.

5879. The rotation of crops?
Yes, I did.

5880. And did you also state that they had used no manure?
I did.

5881. Did the tenant admit that?
He could not deny it. He was silent on the land. I brought the Commissioners to the field, and said, "As you may recollect, in my evidence I said no tenant could pay the rent and farm as these lands have been farmed." That is, they were bad farmers.

5882. What did you say then?
I brought them to this particular field that I referred to in my evidence, and I said to the man, "What crop had you in that last year?" he said "Oats." "What crop the year before?" "Flax." "What crop the year before," I said; he said "Oats." Then I said, "Have you not allowed it to remain without manure these three years after three crops," and he said "Yes."

5883. And did the Commissioners make any remark upon that?
No.

5884. Did they look as if they were surprised at that statement?
Yes, rather. That was Mr. Doyle's commission. They dug the lands, and appeared to examine them minutely.

5885. Notwithstanding

5885. Notwithstanding all the proof which you produced, and which was not denied by the tenant, the rent was materially reduced?
Certainly.

5886. *Chairman.*] Who were the Commissioners?
Mr. Doyle was the legal Commissioner, and Mr. Howlin, and some other young gentleman.

5887. Lord *Brabourne.*] Then your evidence entirely negatives the statement that the tenant has suffered in the judicial rent from having deteriorated the land?
I think it is the landlord who has suffered in these cases.

5888. I say, it having been stated to us that where the tenant had deteriorated his land that was taken into account, and no reduction was made if it was shown that his bad farming had caused the deterioration; your evidence directly negatives that statement?
My impression is that in these cases the land has been badly farmed, and a low rent has been fixed on it, on account of its present state.

5889. Therefore, the landlord and not the tenant has suffered from the tenant's malpractices?
I think so; in these particular cases that is so.

5890. Lord *Tyrone.*] If the same system of farming is carried on for the next 15 years, would you not anticipate if the Sub-Commissioners act upon the same lines at that time there will be a still further and larger reduction?
I think in many instances there would be a further reduction at end of 15 years.

5891. From the deterioration of the tenant?
Yes.

5892. Marquis of *Abercorn.*] According to that the less well a tenant farms the more reduction there will be at the end of the 15 years?
Yes, if the Commissioners fix the rents on the state of the farms when they visit them of course the rents will be reduced.

5893. Earl of *Pembroke and Montgomery.*] The Commissioners admitted, I suppose, that the deterioration was an argument in favour of keeping the rent up, did they not?
They did not enter into that.

5894. They did not tell you in Court that it was an argument for lowering the rent, did they?
No, they generally are silent on things of that kind.

5895. *Chairman.*] To pass to another estate, do you know the estate of Mr. Richardson, of Poplar Vale, in County Monagham?
I do.

5896. You are agent for it, are you not?
Yes.

5897. What is the size of the estate?
About seven hundred acres.

5898. Seven hundred and fifty-three acres, is it not?
I believe seven hundred acres.

5899. And there are about 50 tenants, are there not?
That is a mistake, there are only 40 tenants.

5900. What size holdings are they?
About 20 *l.*

5901. What is the whole rental of the estate?
£. 850.

5902. What is the Government valuation of the whole?
£. 700.

5903. Has there been any change in the rental for some time?
No.

5904. For how long?
In the seven cases that were heard I think three of the tenants held under leases made in 1849 for 21 years. They expired in 1860, and there was no change on the expiration of those leases.

5905. How many cases have been investigated on this estate by the Commissioners?
Seven cases.

5906. When were they decided?
In the month of May last.

5907. Have you got a similar table of those cases?
I have; I think this is a case of very great hardship to the owner. (*The document is handed in*, vide *Appendix.*)

5908. Lord *Tyrone.*] Have the tenants always been on good terms with their Landlord?
Very good.

5909. And has the tenant-right been limited or not?
Not limited, I believe.

5910. It has been perfectly unlimited?
Perfectly unlimited, so far as I know.

5911. Have you any idea what sort of price it has fetched?
Since I was appointed agent there have been no sales, but some of the tenants themselves admitted that they had bought many years ago, subject to the present rents, and paid a large sum for the then tenant-right or the interest in leases.

5912. *Chairman.*] In those seven cases according to this note, the late rent of the seven was 131 *l.* 15 *s.*, and it is reduced to 94 *l.*; what per-centage of reduction is that?
It is nearly 30 per cent. reduction.

5913. You have not added up what the poor law valuation of the whole was, do you know what it was?
I have not, nor do I think that in one case the poor law valuation would be any correct standard, for in one of the cases tried the tenant had six acres on which there was no valuation in the Blue Book. It was a place where the tenants had originallly free turbary, and it was put into the holding, and no additional value was put on for rating purposes.

5914. Did you employ a valuator in these cases?
Yes.

5915. And his evidence was taken, was it?
It was.

5916. What where your instructions to him with regard to the valuation?
Some of those farms were in a very high state of cultivation. It is a good part of the county, and is a wheat-growing district. My instructions to him were not to take the present high state of the farms into account, but to value the nature of the soil and the circumstances of the farms.

5617. And what was the valuation that he gave evidence of?
In some instances he reduced the rents slightly, but only slightly.

5918. Did he propose to raise the rents in any cases?
He did not on this estate propose to raise them.

5919. Not in any cases?
No.

5920. Have you got a note of what the valuation would have been according to his evidence?
Not at hand, but I can add it to that which I have handed in if necessary.

5921. Was any reason given in those cases by the Commissioners?
None whatever. There is one case I wish to draw attention to where the rent was 27 *l.* A man named Harvislon, and his father before him, had paid that rent on a lease for 21 years, and it expired in 1860. There was no change, and that rent is now reduced to 18 *l.*

5922. Have you appealed in these cases?
I have appealed in three of those cases. After the decisions I submitted a tabulated schedule to the Registrar in Chancery, and asked his directions as to whether I would appeal or not.

5923. Why was that?
Because the property is in the Court of Chancery.

5924. Is it an estate in lunacy?
Yes, the landlord is a certified lunatic.

5925. So you had to take the directions of the Court of Chancery?
Yes.

5926. And have they authorised you to appeal in some of the cases?
The Registrar referred the sale to the committee of the estate, and I consulted the committee, and have lodged appeals in three cases.

5927. And the appeals are not heard?
The appeals are not heard yet.

5928. Earl of *Pembroke and Montgomery.*] Was that 27 *l.* a year case one of the cases in which you have appealed?
Yes.

5929. Was there any considerable amount of tenant's improvements on that holding?
No.

5930. Have you observed any correspondence whatever between the amount of tenants' improvements, and the reductions that have been made in the rents?
I have not paid any particular attention to that. The farms are farmed in the usual way; there are tolerably good dwelling-houses on the lands, but no improvements have been made in the dwelling-houses on Harvislon's farm for many years.

5931. Did you see any connection between the reduction of rent made by the Land Commissioners and the value of the tenants' improvements on the holdings?
I could not see any in any of those cases, none whatever.

5932. Lord *Tyrone.*] Do you consider the reductions unreasonable?
I think they are in those cases.

5933. This estate has charges upon it, I believe?
Very considerable charges.

5934. And if those reductions are carried out will the margin be gone?
The rental will not meet the outgoings, and pay for the maintenance of the lunatic if these reductions are carried out over all. His wife died since he was declared a lunatic, and there are, I believe, five children in the charge of an aunt of theirs.

5935. You look upon it that if these reductions go on they will be left paupers?
I do.

5936. You were afraid of the expenses of appealing, and is that the reason why you did not appeal?

Yes, because the expenses already created in those cases are very considerable.

5937. *Chairman.*] Can you give an estimate of what the expense per case was?
In this case they would be more than usual because we were prepared at a former sitting to hear two of the cases, and we had our valuator there, and the cases were not heard. They were adjourned to another sitting, and the bringing back the valuator was expensive.

5938. That, we understand, is not uncommon?
I think it would be most desirable if an arrangement could be come to, that when cases are listed and the parties ready, they should all be heard.

5939. What was the expense that you say was incurred?
I should say there was an expense of 6 *l.* or 7 *l.* in each case. We pay a valuator for every day he is upon the lands, every day he attends in the Court, and for every day he is engaged making up the valuations. Of course he was attending in Court the first three days expecting cases on, and they were not, but they were adjourned until the next sittings. If it were a very large estate it would be different. In these small estates it is a very great hardship to the landlords.

5940. Lord *Tyrone.*] I suppose you were in doubt how to proceed, being afraid of ruining your principal?
I was cautious not to incur any unnecessary expense, otherwise I would have appealed in others of them. I was examined in the first case heard in County Monaghan, and on appeal before the Chief Commissioners at Belfast, and that case was upheld by the Chief Commissioners, though I am inclined to think that they thought from my evidence the reduction was too much.

5941. Marquess of *Salisbury*]. You mean they upheld it for the sake of not reversing the decision of the Sub-Commissioners?
I think so. It was a very trifling case, a rental of 8 *l.* 16 *s.* being reduced to 6 *l.* 6 *s.*

5942. Lord *Tyrone.*] Were you of opinion that the tenants would have been satisfied with a very much smaller reduction?
I believe they would. As a matter of fact very few tenants have yet appealed on account of not getting sufficient reduction. I believe from their conversation before the cases came on the tenants on this estate would have been satisfied with less. Of course when they are examined in court they all give wonderful evidence as to what they would be able to pay for a holding.

5943. Lord *Brabourne.*] Do you think their originating notices spontaneously, or that they were put up to it by any society or individual?
I am inclined to think that on this estate they sent in their originating notices spontaneously.

5944. Lord *Tyrone.*] With regard to the reductions on the former estate that you spoke of, how much of the income will they sweep away?
About a fourth, I think.

5945. Are you in a position to inform us whether that estate is charged?
The first estate, that is Mr. Crookshanks', is not charged, to my knowledge, to any extent.

5946. *Chairman.*] Are you acquainted with any estate that has been sold in the Landed Eststes Court upon which reductions have been made?
I am with one property; I am not the agent, but I attend to the business in the absence of Mr. Mason, the agent. That is the estate of Mr. Henry Owen Lewis.

5947. Where is that?
About four miles from the town of Monaghan.

5948. When was it bought in the Landed Estates Court?
It was bought by his father, late Colonel Lewis, in 1860.

5949. Has

5949. Has there been any increase made in the rent since?
None whatever, except for additional land

5950. Except where land was added?
Yes.

5951. How many cases on that estate have been decided?
Two cases were heard at the last Commission.

5952. What is the reduction upon their rent; how much per cent.?
The reduction there has been exactly 20 per cent.

5953. Twenty per cent. on the unaltered rental?
Twenty per cent. on the unaltered rental.

5954. One-fifth?
Yes; I had those farms valued, and the landlord's valuator valued them at 22 *l.* 6 *s.*; the old rent being 21 *l.* 4 *s.* 10 *d.*, in fact, the valuator considered farms worth a higher rent.

5955. You thought there should be an increase?
Yes, from the valuation.

5956. In the place of that, 20 per cent. was taken off?
Yes.

5957. Are appeals lodged in those cases? (*The document was handed in,* vide *Appendix.*)
Yes.

5958. With regard to the elations between landlord and tenant in Ireland, what is your experience as to the effect of the Act and its working?
I believe it has disturbed the relationship that existed, and very much tended to lead the tenants to expect very wonderful reductions in their rents, no matter how long their rents had been unaltered.

5959. Has it produced a friendly feeling, or the reverse, between landlord and tenant?
I think the reverse.

5960. Do you find it easy to settle out of court with the tenants?
I do not; I find it very difficult. Tenants have met me in this way, saying, "I do not object to the reduction you offer, but I will not sign an agreement to pay that rent for 15 years, because I believe before the expiration of the next 15 years we will not have much rent to pay for our farms at all."

5961. Have you known that actually said in any case?
Yes, in several.

5962. Earl of *Pembroke and Montgomery.*] Would not that be an argument against going into court at all?
You would think it would; some of those very tenants I have referred to, although they have petitioned for an abatement and got an abatement, very few of them are in court. There are some tenants that I know who have actually withdrawn their cases from court on that very ground.

5963. *Chairman.*] That they preferred not to go through the court?
Not at present.

5964. Earl of *Pembroke and Montgomery.*] They did not want to be bound for 15 years?
They did not want to be bound for 15 years; and I know where a notice has been withdrawn on that very ground.

5965. Marquess of *Salisbury.*] They look for new legislation, do they?
Yes.

5966. Lord *Tyrone.*] Have the decisions of the courts in the North become more moderate lately, or the reverse?

Well, where I live, in Monaghan, I do not think there has been any change. On an average there has been about 20 per cent. taken off.

5967. That is what happens still, is it?
Yes.

5968. I suppose you have a pretty general knowledge of the amount to which estates are mortgaged in the North of Ireland, have you not?
In some instances I know that they are mortgaged very largely.

5969. Would it be your impression that a great number of estates in the North of Ireland are mortgaged?
A great many.

5970. Do you think that if these reductions go on they are likely to eat up the whole of the margin?
I think so.

5971. And then the proprietors will be absolutely ruined?
I think, in many instances, they will.

5972. Lord *Brabourne.*] Have the large estates in the county of Monaghan been bought at all?
On the larger estates I believe there are less originating notices served than on the small estates.

5973. Is there any reason for that with regard to the lowness of rent?
I think so, and for other reasons.

5974. We were told by a witness, early in this inquiry, that his idea was that the smaller estates in Ireland were more highly rented than the larger, and his hope had been that the action of the Sub-Commission would have been to reduce the rents of the smaller estates to the average of the higher; is that at all your idea of what is the state of things, and what has been the effect?
I would say, generally, that that is correct; I believe the large estates, such as Sir John Leslie's, Lord Dartrey's, and Lord Rossmore's, the rents are more uniform than the smaller properties.

5975. Has the result of that been that they are not brought into court, and is that the reason why originating notices have not been given to a considerable extent upon those estates?
I believe, upon those large estates, tenants have not come forward so quickly to serve notices as on the smaller estates, but I do not really know what the reason is. On large estates sometimes tenants talk the matter over amongst themselves, and one is unwilling to come in until others join, and a number in the district are anxious to come in together, at least I think so.

5976. Then the evidence you have given us to-day relates generally to smaller estates?
Yes, to smaller estates. I am agent under the Court of Chancery and for several other small estates.

5977. Marquess of *Abercorn.*] There is a general impression abroad that estates very highly let have been less reduced in proportion to their real value than estates which have been fairly let; that is to say, that the Commissioners determined to reduce at any rate; have you any idea about that?
I have not any definite information upon that point within my own knowledge.

5978. Lord *Brabourne.*] You have ascertained no general principle upon which the Commissioners have proceeded?
I have not; I have been before the Commissioners in Mayo, and before two Commissions in Monaghan. I attended before the Commissions which sat first, I was in Mayo in May last, at Mr. Hamilton's Commission, and went over the land, but could not form any opinion as to the basis on which they act. They certainly do not, I think, act upon the valuations.

5979. The valuation of whom; their own valuator?

I think

I think if they all had an independent valuator in connection with themselves it would be most important. I think the valuations produced by tenants and sometimes by landlords are not so much to be relied upon as if there was an independent valuator who would make his report to the Sub-Commission.

5980. Marquess of *Salisbury.*] There is an independent valuator, is there not, for the Chief Commissioners on appeal?
Yes, I believe so.

5981. With respect to that feeling of which you spoke, that there is a probability of fresh legislation, at what time did you observe that take its rise; when did the tenants first begin to talk to you in that style?
I think it was about the 1st of May last.

5982. That is about six weeks ago?
Yes, about the 1st of May.

5983. They had not mentioned it before that?
No, not to me.

5984. Are your tenants tenants on lease or at will from year to year?
Most of them from year to year.

5985. Do you trace that feeling either to any special public event or to the instigation or suggestion of any organisation or individual man?
I think it is on account of the general agitation; the expectations of the tenants are raised very much.

5986. There is a general impression of great change impending?
Certainly.

5987. They do not like to bind themselves?
Certainly; that is so.

5988. Do you find that that feeling exists amongst the better class of tenants as well as amongst the smaller?
I think it is chiefly amongst the smaller.

5989. Do you find that it is shared in by the Roman Catholic clergy?
I really cannot say, because I think the very last office day I had in Monaghan a Roman Catholic clergyman came in when a woman was paying her rent, and clapped her on the shoulder, and said, "You are doing what is right; you have got a reduction on this property in the Court of Chancery; you are dealing fairly by, and I like to see you paying your rent"; though I was told afterwards that his own curate had advised the tenants not to pay their rents.

5990. That division of labour occurs frequently, does it not, in Ireland?
I heard it stated so.

5991. But you think that those impressions of coming change are mainly to be found among the poorer class of tenants?
I think so; that is my impression.

5992. Do you think it has induced them to withhold the payment of rents actually due in any case?
The late agitation as to the Arrears Bill has certainly, in many instances, prevented them paying rents.

5993. *Chairman.*] Is that your experience as to the effect of the Arrears Bill?
It is.

5994. That it has led to a suspension of paying rents?
It has for the present, I believe, in several instances.

5995. In your neighbourhood?
Yes, I believe so.

5996. Marquess of *Salisbury.*] On the estates with which you are connected?

Yes.

5997. Among all classes of tenants, or amongst tenants under 30 *l.* only?

I would say amongst the poorer classes of tenants, because, as a general rule, the tenants over 30 *l.* pay their rent better than the smaller tenants.

5998. Then you have a large number of arrears in the case of tenants under 30 *l.*?

Yes.

5999. Do those arrears run back?

Some of them are running from two to four years.

6000. *Chairman.*] You mean arrears on properties that you are connected with?

Yes. The receiver of the property that I am now speaking of formerly lived in the neighbourhood of Monaghan. He does not reside there now, and I manage the estate for him; I have been managing it for years. It is an estate on which there are 250 tenants. He appointed me some years ago as his under agent, but retained the agency in his name, though I manage the estate as local agent.

6001. Marquess of *Salisbury.*] You say there are a considerable number of tenants who are three or four years in arrear?

There are several of the tenants on that estate from two to three years in arrear.

6002. Do you expect to recover those arrears, supposing no Arrears Bill passes?

I thinkwere there is free sale on a property (that is, if there was no objection to incoming tenants buying), I think most of the arrears could be got.

6003. If there was no Boycotting, you mean?

If there was no agitatiou to prevent parties buying, I think most of the arrears would be got in.

6004. *Chairman.*] That tenant-right has been the security for the arrears, has it?

Yes; and in most cases those arrears would be perfectly secure when the present tenant had liberty to sell, and no organization against a purchaser.

6005. Marquess of *Salisbury.*] And if the tenant in arrear was in possession of a holding, the value of which holding fully covered the debt due, you would regard that debt as fairly secured in ordinary times, would you not?

I would.

6006. In fact, that value of the holding would be your security?

Yes.

6007. You would look upon it as one of the assets of the tenants?

I would. The tenants interest in the farm is considered part of his chattel property.

6008. *Chairman.*] The tenant-right value of the holding has been looked upon as your security for arrears of rent, has it not?

Certainly. I frequently have come to that conclusion myself in years gone by. If there were three or four years' rent in arrear, and the tenant asked time to pay, I always tried to grant him time, believing that if he were ultimately obliged to sell, he would get perhaps treble or four times the amount of the arrears, and I have frequently got paid up to four or five years' rent out of sale in the same way.

6009. Marquess of *Salisbury.*] If you had not had that security to look to you would not have been equally indulgent, I suppose?

Certainly not.

6010. Marquess of *Abercorn.*] But in ordinary times you consider the tenant-right much more valuable than any arrears?

In my experience of 25 years I almost never yet knew a farm sold on which the arrears were not fully covered by the purchase.

6011. And

6011. And more than covered?
Yes; more than covered.

6012. Marquess of *Salisbury.*] Therefore it has been your custom to look to the tenant-right as security for the arrears?
Certainly.

6013. And if that security is suddenly struck from under you, you will be in rather an unexpected position, will you not; that is if that security of the tenant-right is taken away?
I do not see that the Land Act would take away the present tenant-right so long as there is free sale between the tenants.

6014. Suppose a Bill were introduced into Parliament which enacted that the tenants should, under certain conditions, be excused the payment of his arrears to you without selling his tenant-right, your expectations would be very much disappointed?
They certainly would; and I think it would lead to considerable dissatisfaction amongst those who have paid their rent.

6015. You would consider that rather a serious confiscation?
Well, in some instances it might be a great boon for really poor tenants to get part of the arrears given to them.

6016. It would not be a boon to you, would it?
It would not; yet there are some instances, perhaps, where it would be a great matter to assist a tenant by forgiving a part of his arrears. Sometimes a tenant falls into arrears by no fault of his own; it may be that by the death of cattle, or expenses in a family, arrears will accrue on a holding, or by other circumstances over which tenant had no control.

6017. Would it be just to remit those arrears by Act of Parliament without taking the money out of the value of the holding?
I think there is considerable difficulty about that; because it looks like a premium to defaulting tenants who, in many instances, are not as industrious as their neighbours.

6018. *Chairman.*] The case that is put to you is this: suppose that there is a tenant who owes you four years' arrears of rent, you have allowed it to go on knowing that the tenant-right would sell for more than that sum. Suppose that an Act of Parliament passes which leaves him in possession of his holding and his tenant-right, and does not oblige him to sell it, but at the same time cancels his obligation to pay the four years' arrears of rent. Would you consider that to be just?
I think that it is a great hardship now for landlords to lose two or three years' arrears in cases where they have been really indulgent to the tenants, as in some instances I know they have, and where they might have taken possession long since for non-payment of rent.

6019. Lord *Brabourne.*] In letting your arrears run on for two, three, or four years, you may, in fact, have been very much in the position of lending money to a man whom you knew to have a substantial property of greater value than that money?
There is just this in it. Some of the tenants will come to you, and say, "If you do not oblige me to sell my cattle now I will make a great deal more of them in two or three months." You do not like to be harsh, you wish to give an opportunity to do so, and perhaps the cattle may die in the meantime. Therefore it sometimes occurs that those arrears will accumulate under circumstances over which the agent has very little control, and in consequence of his desire to be lenient.

6020. Is not that which I have put to you practically the case?
It turns out to be so.

6021. Then if the law should step in and say to the men to whom you have lent that money, that they are to keep the valuable property upon the security

of which the money was lent, and that they shall be forgiven the loan, that would be a hardship, would it not, upon the person who had lent the money?

It would; but I would say that in some instances, perhaps, there are landlords who would be glad to get two years' rent out of the arrears.

6022. If they have a security in this instance which covers all their four years' arrears, would it not be rather hard to pay them for their indulgence to the tenants by confiscating two out of the four years' arrears?

It might be considered so.

6023. Would it not be an encouragement to tenants to fall into arrear rather?

I would be afraid that a great many injudicious tenants would regard it in that view. I am afraid that would be one of the evils of it.

6024. Marquess of *Salisbury.*] I suppose it is the expectation of some legislation of that kind that induces them not to pay?

I think they are keeping back money, in many instances, pending legislation.

6025. Earl of *Pembroke and Montgomery.*] Is it not directly the interest of tenants who are three or four years in arrear to keep their rent in their pockets now in order to have something, say a year's rent, to pay down?

I could not myself say so, but I have heard of such cases.

6026. I mean that now there is very little chance that any of those tenants in arrears will pay anything?

I think the tenants who are two or three years in arrear, especially in Mayo and other counties in west of Ireland, have no intention to pay for the present.

6027. Lord *Brabourne.*] Do you think it is easy to discover among the poorer class of tenants whether they can pay, and will not pay, or whether they cannot pay their rent?

I think there is considerable difficulty in that. I was told in Mayo, by a tenant last summer, that he had not the means of paying. I afterwards drove out of Westport rather early in the morning, and I found a considerable stock on the very farm that he said he could not pay from. I was there earlier than he expected.

6028. Was there stock more than sufficient to cover what was due?

I only asked for a year's rent, and I proved in court that I saw more than a year's rent of stock on the farm. I had left Westport at 5 o'clock in the morning, and got out to the place early, and before their was time to get the stock away.

6029. Lord *Tyrone.*] Were you quite satisfied that the stock belonged to him?

I was perfectly satisfied, because there was an effort to drive them off the farm the moment I appeared.

6030. Marquess of *Abercorn.*] I suppose there is no tenant-right in Mayo, or very little?

It was originally called "soil money;" that is, the incoming tenant would pay for unexhausted manures.

The Witness is directed to withdraw.

Adjourned till Tuesday next, at Twelve o'clock.

# *Die Martis, 27° Junii,* 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of NORFOLK. | Marquess of ABERCORN. |
| Duke of SOMERSET. | Earl CAIRNS. |
| Duke of SUTHERLAND. | Viscount HUTCHINSON. |
| Marquess of SALISBURY. | Lord TYRONE. |

THE EARL CAIRNS, IN THE CHAIR.

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REV. ROBERT WALSH, is called in; and Examined as follows:

6031. *Chairman.*] YOU are the Incumbent of Malahide and Portmarnock?
Yes.

6032. We understand that your father, the late Master of the Rolls in Ireland, made a purchase of property in the Encumbered Estates Court in the year 1862; is that so?
Yes.

6033. That property now belongs to you?
Yes.

6034. And during your father's lifetime were you accustomed to manage the property?
Yes.

6035. In what county is the property situate?
County Clare.

6036. What is the name of it?
Turlough.

6037. Will you give us the acreage and the present value of it?
One thousand two hundred and seventy-six acres, statute measure.

6038. What was the rental before any change was made?
The rental, when it was purchased, was, 309 *l.* 17 *s.* 6 *d.*

6039. And what was it at the time of the coming into action of the Land Bill?
£. 311. 0 *s.* 6 *d.*

6040. About 20 *s.* difference?
£. 1. 3 *s.* difference.

6041. What was the Government valuation?
£. 221. 5 *s.* Thus the rental is a little more than one-third above the Government valuation.

6042. What is the character of the land?
It is a peculiarity in itself; it is Burren land.

6043. What does that mean?
It means that it is chiefly rocky pasture. It is a speciality in Ireland. I know of no other part of Ireland exactly like it.

6044. Lord *Tyrone.*] It is a speciality in Clare, you mean?
In Ireland. There is no other land in Ireland that has quite the same characteristics as this Burren land.

6045. *Chairman.*] What is the average value of the different holdings?
There are more holdings at about 16 *l.* a year than at any other rent.

6046. What is the number of the tenants?
When my father bought the property the number was 23; the number now is 19.

6047. Will you explain the way in which the tenants use the land?
It is used principally for sheep farming.

6048. Pasture land, used for grazing sheep?
Yes. There is tillage land on it, but about three-quarters of this property is pasture land proper. It is what is called in the neighbourhood, "crag pasture land."

6049. Lord *Tyrone.*] Is it fattening land?
No.

6050. It is limestone land?
Yes; and I believe the proper description of it, where it is not "crag pasture," is, more or less, light arable soil, on a gravelly sub soil over limestone, and this, as a rule, may be considered a description of the barony of Burren, in the county of Clare.

6051. *Chairman.*] Are sheep wintered upon it?
Yes, on the higher "crag pasture."

6052. How is it that the number of tenants has been somewhat lessened since the property was bought; what led to the reduction in number?
My father's policy, and mine, was to reduce the number of holdings; because we thought that some of the holdings were too small for a tenant to live comfortably upon; so when a tenant was willing to go, we encouraged him to do so. For instance, I recently gave a tenant a year's rent to induce him to go; he owed me a little more than a year's rent, and was anxious to emigrate; his neighbour, who was also a tenant, was very glad to add his holding to the farm he held.

6053. Viscount *Hutchinson.*] You mean, that you gave him a year's rent over and above what he owed you?
Yes.

6054. *Chairman.*] And you re-applotted the land among other holders?
Yes.

6055. Leaving the rents substantially the same?
Exactly the same. I never altered the rent by a sixpence.

6056. Lord *Tyrone.*] Did you get a fine from the other tenant?
No, I did not ask for a fine.

6057. *Chairman.*] Has anything been done since the purchase was made, about building, or re-building houses?
A great deal has been done.

6058. What has been done?
When my father bought the property in the year 1862 he and I discovered that the holdings interlaced a good deal, and that the tenants often had suits for trespass in the petty court of the neighbourhood; my father resolved to spend some capital on the improvement of the property; he at once employed a well known surveyor and valuer, and also one of the larger farmers in the neighbourhood, to re-applot all the holdings, giving distinct directions that no increase

increase of rent was to be made. The old rental was to be re-distributed over the new holdings. The process of reclamation in this district is rather a peculiar one; you do not drain, because underneath the subsoil there is all this porous limestone, and that drains quite sufficiently. You take the stones off the surface, and make dry walls of them, which serve the double purpose of clearing the land and providing shelter. All the farms were re-divided with leading strong division walls made between them, and leading cross walls made on each farm. Where a tenant was removed from the house that he lived in and that had to be thrown down in order to make the arrangements, a new house was built for him on the re-arranged holding at my father's cost; and in no case was the tenant charged anything on the expenditure.

6059. The whole of the improvements were effected at the landlord's expense?
Yes.

6060. Duke of *Somerset.*] They were chiefly buildings, as I understand you?
Walls, houses, and in some cases out-offices, were built.

6061. Lord *Tyrone.*] You would hardly call the cross walls, buildings, would you. They were for making fences?
Yes, for making fences.

6062. Viscount *Hutchinson.*] Could you say how much an acre the improvements would represent?
The total sum spent in about five years was 1,500 *l.*

6063. *Chairman.*] What was the amount of the purchase money for which the property was bought?
It was a little over 20 years' purchase.

6064. That would be about 6,000 *l.*, would it not?
I did not make a note of the amount, not expecting the question; but it was, as I have said, a little over 20 years' purchase.

6065. Duke of *Norfolk.*] Then the arrangements you have mentioned called for no outlay at all on the part of the tenants?
No outlay of any kind on permanent improvements. The rule, ever since my father bought, and since I came into possession, has been that all permanent improvements made with the consent of the landlord should be paid for by the landlord, and they have been so paid for.

6066. Lord *Tyrone.*] Have you taken into consideration the question of whether you were cut out of the operation of the Act by that?
Yes; all the tenants have written agreements, and in the agreements it was covenanted that the tenant was to keep the buildings in tenantable order. Because it was not covenanted that the landlord was to do so, I was advised that I was not cut out of the operation of the Act.

6067. *Chairman.*] You were advised that you did not come under that Act?
Yes.

6068. Speaking of the time before the years 1878-9, were the rents punctually paid?
Yes, most punctually. I employed a sub-agent, but I invariably went down myself every half year for the rents, and oftener for pleasure.

6069. There was no difficulty in collecting the rents?
They were paid most punctually. It rarely happened that I did not bring back with me within 5 *l.* of the half year's rents, and never in a single instance, from the time my father purchased until the agitation began, had he or I to appeal to the law to get the rent.

6070. In 1877 and 1878, did that state of things still go on?
1877 in that district was an indifferent year; 1878 was a bad year, but

1879 was a very bad year. The rents were paid fully up in 1877; 1878 was the first time they were not fully paid up, but they were fairly paid. In 1879, when I discovered what the state of things was, I could not ask for the rents, but I offered every man who paid me in November of that year 15 per cent. reduction of my own accord. That was before the agitation began about the abatements of rent.

6071. Fifteen per cent. reduction on that year?
Yes, 15 per cent. reduction on that year.

6072. Was there any other assistance given to the tenants at that time?
Yes; I found that the potato crop was a total failure in 1879, and I made arrangements with a leading firm in Dublin, and spent, what cost me, 60 *l.* on the best champion seed potatoes delivered to the tenants, and I took their I.O.U.'s to repay me nine months afterwards at 2*d.* per stone under cost price; in other words, I did not charge them for carriage, I only charged them what I paid the seed merchant. I also went their security for a little more than 60 *l.* with a local manure merchant, and took their I.O.U.'s for the money, not to be paid for a year afterwards. In the case of the potatoes, they all paid me promptly in the following November. In the case of the manure, some of them did not pay for some time, and some have not paid me yet.

6073. What was the character of the crops in your district in 1880 and 1881?
Splendid; I never saw finer crops.

6074. And for sheep, what sort of a time was it?
This district is celebrated for sheep pasture. When in other districts sheep were rotting in numbers, no sheep were rotting there; but whether it is due to the importation of infected sheep into the neighbourhood, or to some other cause in the last year, there have been some rotten sheep there for the first time. "Rotten" is a technical phrase for a particular disease in sheep.

6075. But as regards the price of sheep, what do you say?
The price never was higher than it has been this year.

6076. When the Act of 1881 came into operation, how many of the tenants took advantage of it?
This district was one of the most law-abiding districts in Ireland until this agitation began, and the peasants truthful and straightforward; but when the agitation came into the district, it seemed to change their character; last summer they practically struck, and refused to pay rent. As autumn came I tried to make terms with them. It was so unwelcome to me, after having been 20 years good friends with them, that we should be at law; that I did my best to come to terms with them, but I sought in vain to do so. The result was that I issued three ejectments and four or five processes in the Quarter Sessions Court at Enniskymon, which came on for hearing in the beginning of November, meaning to go through with at least some of them, to teach a lesson. Just at this time the whole country was talking of Mr. Justice O'Hagan's celebrated "live-and-thrive" speech, which had a great effect, in my opinion, in that neighbourhood. Then came the first decision in Belfast on the Land Act. I told the tenants at the time (really not thinking seriously that they would do it), "If you will not agree with me, you know we are all of us subject to the laws; appeal to the law, and let it decide between us." However, it ended in their serving these originating notices, and refusing to come to terms on any conditions that I could at all think reasonable, holding out, in some cases for a rent below Griffith's valuation; upon which I would wish to say a word to your Lordships before my evidence concludes.

6077. How many went into court?
Nine went into court.

6078. About half the total number?
Nine out of 19.

6079. And those cases have been heard, have they?
Yes.

6080. What has been the result?
Very wholesale reductions; reductions amounting to one-third.

6081. Viscount *Hutchinson.*] Thirty-three per cent.?
The rent is brought a little below Griffith's valuation.

6082. *Chairman.*] This table gives the former rent paid for 23 years, the poor law valuation, and the judicial rent?
Yes.

6083. The Sub-Commissioners appear to have fixed the value of the tenancy as well as the judicial rent?
Yes; I do not know why they did so.

6084. Had there been any sales of tenancies before that time?
Yes; I had allowed some tenants to create an interest in their holding in carrying out this arrangement of amalgamation that I spoke of by permitting a sale to a neighbour.

6085. The total rent of these nine holdings was 170 *l.* 2 *s.*, Poor Law valuation 116 *l.* 15 *s.*, the judicial rent 114 *l.* 2 *s.*, and the valuation of the tenancies 485 *l.*, that is to say, rather more than four years of the judicial rent.
Yes. (*The document is handed in.*)

6086. Lord *Tyrone.*] Did you appeal in those cases.
I am appealing in five of them.

6087. *Chairman.*] Is it known whether, when Sir Richard Griffith valued the land in this part of the country, he took the wool into account in sheep farming?
It is a notorious fact that he omitted to take into account in valuing Burren land, the value of the wool of the sheep, which was one of the most important items of profit that the tenant made out of his sheep.

6088. Does the wool in your neighbourhood, as in some other places, pay the rent.
It pays much the larger part of the rent.

6089. Viscount *Hutchinson.*] Have you a hanging gale?
Yes.

6090. *Chairman.*] Who were the Sub-Commissioners?
Mr. Reeves.

6091. Mr. Reeves was the legal Commissioner?
Yes; the other two were Captain M'Causland and Mr. O'Keefe.

6092. What is Captain M'Causland; what is he captain in?
He was in the cavalry, in the Queen's service.

6093. And Mr. O'Keefe?
He was Professor of Chemistry in Cork College. Upon that subject may I be permitted to say that I feel very strongly the injustice of the value of my property being determined by the decision of a tribunal constituted as this, and most of these Sub-Commissions are constituted. Mr. Reeves is an able barrister, for whom, personally, I entertain a high respect, but he is a barrister, and not a valuer of land. Captain M'Causland was a cavalry officer, and Mr. O'Keefe's knowledge of farming must be more or less theoretical; they come to a district which is a speciality in itself, and one which you must be acquainted with in order to know the agricultural value of it. I am bound to acknowledge that they bestowed much time and attention to my cases, and showed me every courtesy, but I am also bound to say that I believe they are not competent as a tribunal to do justly in such cases. I feel it very strongly, and that their wholesale reductions have done me a great injustice.

6094. Did you produce evidence?
No; I preferred to rely upon the story of the property that I could relate.

6095. Lord *Tyrone.*] You did not produce a valuer?
No, I did not.

6006. *Chairman.*] Had the tenants valuers?
They had.

6097. What kind?
They had tenant farmers, and as one instance of the value of the valuators they produced, I may give you this: in the valuation that I told you of, made about 20 years ago for my father in the re-aplotting of the holdings, he employed a professional surveyor, as I told you, and also a leading farmer in the neighbourhood. Another leading farmer in the neighbourhood, who is still living, assisted this farmer, Mr. Kerin, in his valuation. I discovered that this man, whose name I prefer not to give, was to be produced by two of the tenants as their valuator on this occasion. He put about half the existing rent on their holdings. Unhappily, when I heard of it in the middle of the village where the cases were about to be tried, I said, "I shall have him cross-examined as to his idea of the value 20 years ago." When he was called up for examination it was discovered that he had gone to a fair at a distance.

6098. Had you not the opportunity of cross-examining him?
No, because he did not turn up.

6099. He was not examined at all?
No; and I must suppose it was because he learned I recollected that he had helped Mr. Kerin 20 years ago in making his valuation he did not turn up. Now, that was a man whom I, before the agitation, should unhesitatingly have employed as a valuator, but I should not think, of course, of relying upon him since the agitation began. Had I produced skilled, impartial evidence of value, it would have been confronted with such evidence as this man's; skilled enough, but certainly not impartial; and I believe I should have given the Court an excuse for a compromise between the two very different estimates of value.

6100. Lord *Tyrone.*] Are you aware whether Captain M'Causland had any knowledge of land beforehand?
I heard him speaking of Galway land, but though there is Galway limestone it is not the same quality as this Burren crag pasture, which, as I have stated, is a speciality in itself.

6101. *Chairman.*] But then, I suppose, the chief element of the case would be to know what amount of stock the holdings would bear, would it not?
Of course a great deal turned upon that.

6102. That is a question of fact that there could not have been much doubt about?
Well, there was a great deal of difference of opinion about it.

6103. You mean difference of evidence?
Yes.

6104. There was a conflict between the tenants on the one side and yourself on the other?
Yes, between the tenants on the one side and myself on the other side; and the reason why I adhered to my opinion was, that at the time I spoke of in 1879, when I visited the property to see what I could do, I thought of investing money myself in putting stock on the farms where the tenants had lost many sheep, letting them make the profit on them, and being secured in the repayment of my capital; the statements as to the tenants' losses I found to be much exaggerated, I did not feel there was need for carrying out my idea, I took a census of the stock on their farm at the time, which I felt perfectly certain was not an over estimate of the amount, and I had that census by me, and it showed

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in some cases that they had twice as much stock as the amount given in evidence that the farms could hold.

6105. But after all, that would hardly be admissible as evidence, to countervail positive testimony to what the stock was at the then present time?
It is possible that the Sub-Commissioners looked at it in that way.

6106. The stock might not have been there?
It was not there. I am satisfied that the tenants had nothing like their stock on the lands when the Sub-Commissioners visited them. A little incident happened in the course of their visit, which I did not like to notice, as we were not in court, as we were passing along the road adjoining one farm, the tenant who had, I know, a good flock of sheep, brought us, as if by accident, to a corner where there was a very diseased sheep, and he stopped us and began to tell the story of this and other diseased sheep to the Sub-Commissioners; indeed I believe that between the absence of a large proportion of the tenants' sheep, and the presence of some that were unhealthy, and of whose ownership I had my own suspicions, the visit of the Sub-Commissioners to the lands, like the evidence in court, did not tend to the arriving at just decisions.

6107. But still, what is to be borne in mind, I suppose, is, that the Sub-Commissioners were at the mercy of those tenants unless there was some evidence to set them right?
I did not think myself justified in giving that opinion then, as we were not in court; I was silent about it.

6108. Have you been able to form any opinion as to the extent to which the evidence of valuators can be obtained by landowners for these trials now?
I think it is very difficult for them to obtain reliable valuators; they cannot be at all sure of what the motives of their valuators may be; for instance, in the past most landlords would get a farmer to help to value, but what landlord would think of getting a farmer for that purpose now; should I with the experience I have mentioned.

6109. Do you observe a considerable difference in the feeling of the country generally as between landowners and the holders of farms?
I do; a decided change.

6110. In what way?
There is not the same friendly spirit, and in some cases a positive spirit of antagonism is shown, a surly disobliging spirit, where, heretofore, there was a courteous spirit shown.

6111. How many of those cases of which you have spoken have you appealed in?
Five of them.

6112. Can you tell the Committee what has been the expense of the proceedings in the court below?
I cannot; I have not got my solicitor's bill of costs. It was only last month that the decisions were given.

6113. You cannot tell what the expense has been?
I cannot.

6114. Why have you not appealed in more than five cases?
The remaining four are cases of small holdings, and the Chief Commissioners have announced that where the court valuator they employ differs from the decision of the Sub-Commissioners to a small amount only, in favour of the landlord, they will leave the rent as it is.

6115. Marquess of *Salisbury.*] Have they announced that?
Oh, yes; I read it in the newspaper is all I can say.

6116. You mean to say that that rule is to operate only where the difference is in favour of the landlord?
That was the impression left upon my mind.

6117. *Chairman.*] How do you state the rule which you say has been laid down?

Where the value put upon the holding by the court valuator differed from the value put by the Sub-Commissioner, only a little, in favour of the landlord (that is the way my recollection runs), then they would not alter it.

6118. Viscount *Hutchinson.*] Only in favour of the landlord?

That is the way my recollection runs.

6119. *Chairman.*] Without its having been stated in that way, must it not always be so, practically, we know there have been hardly any appeals by the tenants?

Yes.

6120. I suppose the appeal is in 99 cases out of 100 by the landlord, and therefore it may be that the rule was laid down in general terms that though they, if they had been fixing the rent in the first instance, might have fixed it a little higher than the Sub-Commissioners have done, still they would not upset the decision of the Sub-Commissioners merely for the sake of a few shillings or a few pence?

In the case in question my recollection is that it was more than 1 *l.*

6121. On what sized holding?

I could not say; I wish I had made a note of it. It specially caught my attention because it decided me very largely in the case of the four decisions that I did not appeal in, for I said to myself, I may not hope to get much of an increase in these cases, forming my opinion from the decisions already given all round the country, and if anything near these reductions holds good, I possibly shall not have the rents changed, and may have the expense of the appeal in vain.

6122. I do not see how you apply that to your cases; you cannot know what the Court valuator would say?

I cannot; but I remember distinctly that the Chief Commissioners stated "the Court valuator puts a little more than the Sub-Commissioners, but we will not alter it."

6123. Lord *Tyrone.*] I think it is hardly stating it correctly, is it, to say the Court valuator; because the Court valuer makes a valuation, that is not necessarily the valuation which the Chief Commissioners take. After that valuation is made, the Chief Commissioners take a certain sum of money for the tenant's improvements from it; is not that so?

Yes, they take all the improvements into account afterwards, but in my case they have no tenants' permanent improvements to take into account.

6124. Therefore you would hardly be correct in stating it as you at first put it?

Possibly I should have modified my statement, but I do not think, much.

6125. May I ask whether this estate has many charges or mortgages upon it?

No mortgages.

6126. It has not?

Only in this way: on my marriage I charged it with an annuity for my wife, and I bound myself to make use of it, or its proceeds, as I might think well for my children.

6127. Possibly, if you had looked forward to a large reduction of rents you might not have put so large an annuity upon it at the time of your marriage?

Certainly I should not, nor should I have done what I have done at all if I had an idea of what was coming: on the contrary, I should have sold it at once.

6128. The question is, whether you would have charged it so heavily?

I certainly would not have charged it so heavily, or in the way I did charge it.

6129. Lord *Salisbury*.] How many tenants have you?
On this property 19 now.

6130. Are many of them in arrear?
Yes, I am owed more than two years' rent. I have got very little rent since this agitation began.

6131. No rent at all?
I may say almost no rent. I am owed something more than two years' rent.

6132. Viscount *Hutchinson*.] On the whole property?
On the whole property.

6133. Marquess of *Salisbury*.] Do you imagine that that is because they cannot or because they will not pay?
There are three tenants who have been always more or less poor; but every one of the rest could, every year, have paid me. Of that I am convinced.

6134. From what I see of the value of the tenancy in the statement which you have handed in, every one of them could pay you two years' rent by selling his tenancy?
Yes; but the Land League will take good care that nobody shall buy for such a purpose as that. At present, that provision of the Land Act is in that respect inoperative.

6135. *Chairman*.] Which provision is that?
Putting the value upon the holding, and considering it any security to the landlord for his rent, it is not the smallest security. No tenant would dare to buy one of those holdings at that value in order that I should be paid my rent.

6136. Have these reduced rents been paid to you?
No; but I am in hopes that some of them will be paid, for I offered to take the rent until matters are finally decided at the rate that the Sub-Commissioners fixed, and in the remaining cases at about Griffith's valuation. I have other means and other property, but it was becoming a serious inconvenience to me to be without some 700 *l* (as it was) out of a moderate income, and I could not go on paying out money for legal and other expenses and getting no rent, so I had to try and make some terms, and I thought it better to lose something that I might do so.

6137. Marquess of *Salisbury*.] Even so; have you got your rent paid?
No, I have not.

6138. Viscount *Hutchinson*.] Have you got two gale days in the year?
Two gale days, November and May, and the tenants always paid up on the 26th of June punctually, and on the 22nd of November, except when those dates fell on a Sunday.

6139. And there is two years' rent due to you exclusive of the hanging gale?
There is about two years' rent due exclusive of the hanging gale.

6140. Marquess of *Salisbury*.] Exclusive of the hanging gale?
Yes. Of course some tenants owe farther back than others. There were two tenants even at the height of the agitation who sent me the rent privately; they said they could not bear that they should fall out with me, and they went to a distant post town, and posted it to me privately. However, the next half year the agitation had them too.

6141. Viscount *Hutchinson*.] What is your market town?
Ballyvaughan. It is three miles by a pathway, and practically five miles by road.

6142. How far is that from a railway?
Ballyvaughan is 12 miles from the railway, and this property is nine miles.

6143. Marquess of *Salisbury*.] Do you imagine that those tenants have kept the money in their pockets, or in banks, or spent it?

I think some of the smaller tenants have got rid of it, and I think that is the story to be told pretty much over the country.

6144. Most of the smaller men have got rid of it, you think?
I think so. It has never been their habit to save money. I can speak from knowledge of that as a clergyman as well as a landlord. I was a country clergyman in a different part of Ireland before I became a Dublin clergyman; it has been all my life an interest to go into these matters; I have devoted some attention to it; my opinion is, from what I know of different parts of Ireland, that the smaller tenants have not got the money in their pockets now.

6145. Viscount *Hutchinson.*] Did they ever have it in the course of the last two years?
Certainly they had.

6146. You think that they could have paid their rent if they had chosen?
I think the larger part of them could. That year of 1879 coming so very bad after the two rather bad years before it, of course tried several of them very very much.

6147. Marquess of *Salisbury.*] So far as your experience goes, you say that most of the tenants of this class, that is to say under 30 *l.*, are in arrear, and have spent the money which should pay their debts?
I think they have in many cases.

The Witness is directed to withdraw.

MR. JOSEPH WRIGHT, is called in; and Examined, as follows:

6148. *Chairman.*] YOU are a Solicitor practising in the county of Monaghan?
Yes.

6149. And you own land and are also a land agent, are you not?
Yes.

6150. Among the properties you are connected with is there one belonging to a Mr. and Mrs. Henderson?
Yes.

6151. You are trustee for them, I believe?
Yes, under their marriage settlement.

6152. Where is that property?
It is situate in the county of Monaghan, within about two miles of the town of Ballyboy.

6153. What is the acreage?
The acreage is about 312 acres.

6154. And what is the rental?
About 253 *l.* yearly.

6155. What is the number of tenants?
There are 16 tenants on it.

6156. They are small holdings, are they not?
Yes, averaging about 16 *l.* per annum.

6157. Was it purchased in the Landed Estates Court?
Yes, for 6,000 *l.*

6158. In what year?
In the year 1871, at about 23½ years' purchase.

6159. Has

6159. Has any change been made in the rent since it was purchased?
None whatever.

6160. Do you know whether any change had been made for some time before the purchase?
The tenants stated that there had been no change for the last 40 years, or thereabouts.

6161. Viscount *Hutchinson.*] That is stated by the tenants?
Yes, they admitted that.

6162. *Chairman.*] How many of the tenants have served notices under the Act?
Nearly all.

6163. And how many have been heard?
I think about five.

6164. Have you got a list of those cases and the reductions made?
Yes. (*The document is handed in.*)

6165. The old rent of those five cases amounted to 67 *l.* 4 *s.* 1 *d.*?
Yes.

6166. The judicial rent to 50 *l.* 5 *s.*, a reduction of 17 *l.*?
Yes.

6167. The Poor Law valuation is 48 *l.*, and the judicial rent 50 *l.* 5 *s.*?
Yes.

6168. Was there any question about improvements?
No, there was not.

6169. The tenants did not claim to have made improvements?
Some of them claimed to have built their own houses; the landlord built others.

6170. That is generally assumed to be the case, is it not?
It is.

6171. Duke of *Somerset.*] What sort of houses are they?
Some of them are small slated houses.

6172. *Chairman.*] Had the rents been raised in consequence of that?
No, never. No advantage was taken of any improvements.

6173. Was any reason given by the Sub-Commissioners for the reductions?
None whatever; we do not know at all upon what principle they have yet proceeded.

6174. Who were the Sub-Commissioners?
We had two sets. Mr. Hodder was, I think, one.

6175. Was he the legal Sub-Commissioner?
I think he was.

6176. Who were the other two?
I do not recollect just at this moment.

6177. Was there an estate which you purchased yourself under the Church Temporalities Commission?
Yes, which cost me about 700 *l.*

6178. Where is that?
In county Mayo.

6179. Near what town?
Near Westport.

6180. What rent was it held at?
At a head rent of 68 *l.* 1 *s.* 7 *d.*, in addition to which I have rent charge and drainage money to pay.

6181. A rent charge of how much?
£. 4. 2 *s.* 10 *d.*

6182. And how much quit rent?
Three shillings.

6183. And what is the drainage charge?
£. 6. 6 *s.* 1 *d.*

6184. That made altogether, how much?
£. 78. 13 *s.* 6 *d.*

6185. Then you paid for the fee-farm grants?
The entire thing cost 700 *l.* altogether.

6186. At this rent?
Yes.

6187. Paying this rent at the same time?
Yes. There was a valuation made by Messrs. Brassington and Gale some years ago, at the time the lease was originally taken out, and they valued the lands at 114 *l.* a year.

6188. That would be about 78 *l.*, and 5 per cent. on the 700 *l.*?
Yes, about that.

6189. What do the tenants pay?
£. 143. 5 *s.* 6 *d.*

6190. Were these rents punctually paid?
They were punctually paid up to 1879, without any grumbling.

6191. Has there been any rent paid since then?
I have not got 1 *s.* since then.

6192. And you continue paying the 78 *l.* odd a year, I suppose?
They have not yet pressed me to pay that; in fact, I have refused to pay it at present, in order that the Ecclesiastical Commissioners may bring ejectment against me and my under-tenants. That is the reason why I have not payed rent.

6193. If they bring an ejectment against you they must clear the estate of all the tenants?
Yes.

6194. Have these tenants served originating notices?
They have all served notices, and their cases have been heard.

6195. What is the result?
The decisions reduce the rent to about 100 *l.* a year.

6196. From 143 *l.*?
Yes. The original rent, on the valuation made by Brassington, was 114 *l.* 6 *s.* The Sub-Commissioners have reduced it 14 *l.* 6 *s.* below Brassington and Gale's original valuation.

6197. Do you know what the Poor Law valuation was?
I do not.

6198. Has this 100 *l.* a year been paid by the tenants?
No.

6199. It has not produced the rent any more than the other?
No; they have paid no rent at all for the last three years.

6200. Are they able to pay rent?
Yes, quite able. Perhaps there may be two or three tenants out of the whole who would not be able, but all the others are quite able.

6201. Have you taken steps to recover the rent?
I have given instructions to bring ejectments against them all, but I find it nearly impossible to get that done.

6202. Lord *Tyrone.*] Have you appealed in those cases?
No, I have not; they are too far from me. I live a long way from the place, and do not think it worth my while to go to the expense.

6203. With regard to the first estate that you spoke about, what is the average reduction?
It is about 25 per cent.

6204. Is that estate mortgaged or charged?
No, that estate is not; that is trust property.

6205. If these reductions go on will a fourth of the rental be taken away by them?
Certainly a fourth.

6206. Viscount *Hutchinson.*] What class of tenants are those on the Westport estate?
All small.

6207. The ordinary Galway men, I suppose?
Yes; they are quite well able to pay, but for the agitation.

6208. Lord *Tyrone.*] What will be the margin left you?
I will have almost no margin.

6209. No margin?
Very little.

6210. *Chairman.*] A nominal margin of 20 *l.*, is there not?
Yes, but I have to pay 78 *l.* out of 100 *l.*, and then I have to pay poor rates and other things, and the cost of collecting the rent. I do not think I will make 5 *l.* out for what I paid 700 *l.*

6211. Lord *Tyrone.*] Therefore, you would say that the effect of the Act upon this property is to have entirely taken it away from you?
To sweep it away from me altogether.

6212. And it is possible if a bad year were to come, and poor rates were to be increased, that it would become a minus quantity?
Certainly, and I should be very likely obliged to give it up, because I could not keep the head rent down.

6213. Viscount *Hutchinson.*] Do you see any desire on the part of the tenants, since their rents have been fixed at 100 *l.* a year, to meet you at all?
Not the smallest.

6214. Have they not approached you at all?
No. On the contrary, I have given directions to a solicitor down in Mayo to collect the rents for me. It is such a distance that I could not attend to it.

6215. I do not mean that, but that the tenants have not shown any desire to pay?
No, none.

6216. *Chairman.*] Is there another estate which you are agent for, that of Mr. C.?
Yes, that is an estate which I am solicitor for, and know something about.

6217. That is the county Monaghan?
That is the county Monaghan also.

6218. How many tenants are there?
There are a good number of tenants there. The tenants number about 115.

6219. What is the total rental?
£. 1,856.

6220. Taking the total rental at 1,856 *l.*, I want to ask you the details of the outgoings, but I will take them as they are put before me here: interest on a loan

loan of 17,500 *l.*, income tax, bailiff's salary, poor rate, drainage charge, quit rent, rent charge, agent's fees, and jointures; what does the total of those amount to?

£. 1,679. 15 *s.*

6221. That is 1,679 *l.* 15 *s.* out of 1,856 *l.*
Yes.

6222. What margin is left?
176 *l.* 19 *s.* 6 *d.*

6223. Have these tenants served originating notices?
Nearly all of them.

6224. How many have been heard?
Only four cases have been before the Court, and I think the reductions made have been about 20 per cent.

6225. One-fifth.
Yes.

6226. Are there more cases to be heard?
There are a great number more to come on.

6227. Next month?
Next month, in July.

6228. And supposing, which we may hope may not be the case, that the reductions were at that rate all round, it would do more than sweep away the margin?
It will not only sweep away the 176 *l.*, but bring it into a deficit of close upon 200 *l.* a year in order to pay the outgoings. We pay the Church body alone 770 *l.* a year.

6229. Viscount *Hutchinson.*] Is that interest on purchase of glebe land?
No, a loan borrowed on the estate.

6230. *Chairman.*] The mortgage is with the Church body?
Yes, for 17,500 *l.* It would leave a deficit of close upon 200 *l.* a year if the reductions are continued.

6231. Those who would suffer would be the jointures, I suppose.
The jointures would suffer.

6232. They would suffer first?
Yes, a widow with five children, would suffer first.

6233. Lord *Tyrone.*] What was Griffith's valuation of this estate?
I am not sure that I can give you that. I may mention to your Lordships that it was always considered a very lowly-let estate.

6234. *Chairman.*] There is another estate that you are connected with in the county Monaghan; Mr. Kaine's?
Yes, that is another.

6235. And how many tenants are there on that?
There are 96.

6236. What is the rental?
£. 864 a year, and all through that estate is let under 6 per cent. over the Government valuation.

6237. Did you make any offer to sell to those tenants?
I did, by direction of Mr. Kaine.

6238. On what terms?
He told me, he would lend the one-fourth, the Government giving the three-fourths, and to undertake that the whole sum would not exceed the amount of their present rents.

6239. What did they say to that offer?
They all refused it.

6240. Why

6240. Why did they refuse it?
They refused it, stating that they believed that before the 15 years expired there would be further legislation, by which means they would get their lands for perhaps nothing, or almost nothing.

6241. Viscount *Hutchinson.*] Did they say "nothing"?
Yes; I had 20 or 30 tenants with me in my office, and said, "I am directed by Mr. Kaine to offer you all your holdings at your present rent, if you choose to purchase; Mr. Kaine will advance or allow the one-fourth to remain out on the land on your borrowing from the Government the other three-fourths, undertaking that the whole annual payment would not exceed your present rent in any case."

6242. Lord *Tyrone.*] Including the rates and taxes?
Including everything.

6243. Did you mention the rates and taxes?
No, I did not.

6244. Marquess of *Salisbury.*] That question did not arise?
It did not arise, but I really meant their present rent.

6245. Lord *Tyrone.*] You meant that their out-goings should be no more than they are at present?
That is what I meant by it,

6246. *Chairman.*] Did any of them make you an offer?
None, except one or two said they might give 13 or 14 years' purchase of the present rent, but not more.

6247. Marquess of *Salisbury.*] And the reason why they said that was, that they expected legislation which would be much more beneficial to them?
They did; in fact, they laughed at me when I offered it.

6248. *Chairman.*] Did you make a similar offer in the case of Lord Rathdonnel's property?
I did not, but I know that the agent did.

6249. Was that refused also?
That was refused also.

6250. Marquess of *Salisbury.*] On the same ground?
I do not know; I am not prepared to say that, but I know they refused it. He offered to do it under the 35 years' system.

6251. Then what is your experience with regard to this and other similar cases, and what is your opinion of the effect of the Land Act upon the state of the country?
I think it has had a most demoralising effect, and it has made people who were heretofore honest, very dishonest. I do not deny that there is some poverty in Ireland; I believe there is considerable poverty among some of the small tenants, but as a rule they are very well able to pay their rents, and always did do so until this agitation got up, and some of them have money in their pockets now, and are refusing to pay their rents, simply because they think this Arrears Bill will wipe out the greater portion of it

6252. Do you consider that the effect of the Arrears Bill has been to make the tenants who have the money wherewith they could pay their rent, refuse to pay it
I do. I have no hesitation in saying that it is so in many instances.

6253. You have no hesitation in saying that?
None.

6254. Viscount *Hutchinson.*] I suppose they look upon it as an advantage under the circumstances to owe as much as they do?
Yes. In fact, I was asked by one tenant not to press him for the rent at present; he did not give me any reason, but I knew perfectly well what the reason was.

6255. Lord *Tyrone.*] Do you anticipate that the rents after they have been fixed by the courts are likely to be better paid?

I hope they will; but so far I have no reason to say so, because I am aware that now legal proceedings are being taken against the tenants for the fixed rent, so that that does not look very well.

6256. I suppose you have professional experience of the position of a good number of properties in the north of Ireland?

Of some I have.

6257. What is your impression with regard to the properties generally in Ireland. Do you think that they are largely mortgaged?

A great many of them are. I know one instance myself of a property of about 4,500 *l.* a year in my own county, and after paying the charges and annuities and jointures, the present income is only about 600 *l.* a year.

6258. Marquess of *Salisbury.*] That is before it has gone to the Commissioners?

Yes; and now several reductions have been made, and if they continue on this property there will not be one shilling of margin to the present owner, who, I may say, was a gentleman of good position, and supposed to have 4,500 *l.* a year.

6259. *Chairman.*] I did not quite understand the present margin. How much do you say it is?

About 600 *l.*.

6260. Is that what the owner lived upon?

The yearly rental was 4,361 *l.*: there was head-rents, 517 *l.*; rent-charge, 131 *l.*; agents' fees, bailiffs, insurance, taxes, 490 *l.*; that came to 1,139 *l.* 8 *s.* 2 *d.*; leaving an income of 3,222 *l.*, out of which there were annuities of 700 *l.* a year, and there was interest on bond and mortgages of 1,900 *l.* a year, leaving net to the proprietor, 620 *l.* 17 *s.* 1 *d.*

6261. So that all he had to spend was the 600 *l.*?

That was all.

6262. That he will lose?

Yes; every shilling of it if reduction continued.

6263. Lord *Tyrone.*] Then he will have nothing left to live upon?

Not one shilling out of that property.

6264. Are you aware of any more cases of the same description, without mentioning names?

I do know other properties that will be in a similar position if reduced.

6265. That if reduced in the proportion and the form in which the same class of land is being reduced now, the margin will be entirely swept away?

Almost swept away; not perhaps entirely. I know one instance in which there is a property of 14,000 *l.* a year where the outgoings and mortgages are between 6,000 *l.* and 7,000 *l.* If that property is reduced it will certainly leave the owner less than 4,000 *l.* a year.

6266. Are you aware whether in those cases the rents have been changed lately?

They have not been changed for a long time, that I am aware of.

6267. And generally throughout, from your experience of Ireland, do you think that the effect of the Act will be to ruin a great number of people?

I have no doubt about it.

6268. Land is entirely unsaleable now, is it not?

It is unsaleable; I do not think I could get 10 years' purchase now for a property I was before offered 20 years' purchase for; I mean that property in Mayo.

6269. What do you anticipate will be the result of those gentlemen being ruined when they cannot sell their estates?

I really

I really do not know what will become of them, unless they have other private means, which many of them have not, I think.

6270. Do you think that the estates will eventually be sold to the tenants at a nominal price?

I hope not; I would suggest, if I was asked my opinion, that the property ought to be bought up from the landlords; that fair and reasonable compensation should be given to them by the Government, and that then it should be resold to the tenants, if they must have it.

6271. Do you consider that something will have to be done to render land saleable again?

I do; to render it saleable within a reasonable time, unless there is a great change in everything that is going on now.

6272. That is to say, a change in the decisions of the Court?

Yes.

6273. You think that something will have to be done to make land saleable again?

Yes, I do.

6274. At present it is in a dead-lock?

Yes, and totally unsaleable.

6275. And those who are utterly ruined by this Act will be still tied to their properties?

Unless the Government buy them up.

6276. Without power to dispose of them?

Yes.

6277. Marquess of *Salisbury*.] With respect to this property of Mr. C., at what interest was the Church Loan advanced?

Four-and-a-half per cent. I should like to say a word as to the mode in which the Commissioners try these cases; 100 cases are listed for hearing at one session. Now I had 10 cases of my own in County Monaghan; I went to a great deal of expense to get a valuator, who went over the property, and not one half the cases were gone through; I had to bring a valuator 50 miles to go over these 10 tenants' farms at great expense, and it was all thrown away, and I do not know when the cases will be heard; that was a very considerable expense.

6278. I think you said the tenants on Mr. Kaine's property were not mainly in arrear?

No, they are not; but several of them owe more than a year's rent.

6279. They do not owe more than about a year's rent?

As I have already stated many of them do.

6280. Are any of the tenants, on properties with which you have to do, in arrear?

Yes, some of them; some of them owe two year's rent, some more.

6281. Do you think that they have got the money in their pockets, or do you think they have spent it?

I should think some have got it in their pockets, and some have spent it?

6282. You could not say generally?

No. I find that when I press tenants, and say, "you must pay this rent," they come in several times, and give all the trouble they can, before they pay 1*s*., and then, if you are very strict with them, and say you have no alternative but to proceed against them, they will afterwards come in and say that they have borrowed money from someone else, and pay it.

6283. Lord *Tyrone*.] And you do not credit that information, as a rule?

Oh! no; as a rule I do not.

6284. Marquess of *Salisbury*.] Have you been present at any of the decisions of the Sub-Commissioners?

Yes, I have; a good many. I have never visited the land with them, but I have been present in Court.

6285. Did you form, yourself, any idea as to the principles on which their decision was framed?
I did not, unless it was that they struck a mean between the two valuators. If they went out to a man's farm, and saw it poor, and that he had no cattle on it, and the land was weedy, and all that, they would say that this land is not worth more, and we reduce it; but I think they have felt bound in every case to reduce it, and that they would not be doing their duty as judges unless they did reduce it.

6286. No matter whether the rent they were considering was a low or a high one?
Whether it was fair or unfair; unless they reduced it, they felt that they were not doing their duty, and they reduced it.

6287. Viscount *Hutchinson.*] That was the only principle you could possibly find?
Yes, the only conclusion I can arrive at.

The Witness is directed to withdraw.

MR. HARRY S. SANKEY, is called in; and Examined, as follows:

6288. *Chairman.*] YOU are the owner, are you not, of an estate in County Cavan, called Billiss?
Yes.

6289. Near Virginia?
Yes.

6290. What is the acreage of it in round numbers?
The statute acreage is 2,106 acres 23 perches.

6291. How many tenants are there on it?
There are 74 tenancies, but some of those tenants hold two farms. I dare-say there are about 64 or 65 tenants.

6292. Are they chiefly under 20 *l.*?
As well as I recollect, I think so. I could scarcely say whether the mass of them were under 20 *l.* or not, but I think they are; I have no doubt they would be.

6293. What is the rental?
The rental is 1,367 *l.* 14 *s.* 2 *d.*

6294. How much is the Government valuation?
The Government valuation is 1,122 *l.* 18 *s.* 2 *d.*

6295-6. The rental, therefore, is about 15 per cent. above the valuation?
No, I do not think it would be; about 21 per cent.

6297. When was the valuation of Cavan made by Sir Richard Griffith?
I fancy it was about the year 1854.

6298. Nearly 30 years ago?
Yes.

6299. How long have those rents been running on without alteration?
Since the year 1857.

6300. And what has tenant-right generally sold for?
From 8 *l.* to 10 *l.* an acre; that is what was allowed. It would have gone at a great deal more.

6301. Had the tenants the right of turbary?

No;

No; but by paying a shilling a year they were given so much bog for their own use, but not to sell.

6302. Were the rents punctually paid until lately?
The rents were always punctually paid until lately.

6303. And no complaint was made by the tenant?
No. In my time I do not recollect any complaints.

6304. Under the Act were there originating notices served, and how many?
I fancy there are between 25 and 30 originating notices served.

6305. And how many have been heard?
There have been just five cases heard.

6306. Have you got a list of what the result has been of those cases?
I have not a list, but I can give you the general result of the five cases before the Commissioners. The total of the rent involved in the five cases before the Sub-Commissioners was 97 *l.* 7 *s.* 5 *d.* per annum.

6307. What was the reduction by the Sub-Commissioners?
The Sub-Commissioners reduced it to 78 *l.* 10 *s.*; I got 3 *l.* 10 *s.* on appeal.

6308. The 97 *l.* odd was reduced by the Sub-Commissioners to 78 *l.* odd?
Yes, to 78 *l.* 10 *s.*

6309. That again was raised by the Commissioners to what?
£. 82.

6310. What was the percentage on reduction, as it stood, after the judgment of the Chief Commissioners?
It is about 15 per cent.; a fraction over.

6311. Did the Commissioners employ a valuer of their own?
They did.

6312. Did they tell you what his valuation was?
Yes, it was stated; I have not got the figures with me, but here is a note out of the evidence. It says, "The tenants were unable in three cases to prove any improvements. The Court valuer stated the farms were worked out, and no improvements; he put about 3 *l.* to 4 *l.* per annum more than the Sub-Commissioners upon each farm with one exception" (that is, the Court valuer), "did. Counsel called Judge O'Hagan's attention to this, and his Lordship's reply was, 'We know this, but there must be some improvements.'"

6313. Marquess of *Abercorn.*] What was the name of the Court valuer?
I am not prepared to say, but I think it was a Mr. Russell. "They then proceeded to fix the rents in one case at the value of the Sub-Commissioners, and to split the difference between the Court valuer and the Sub-Commissioners in two cases, notwithstanding there being proved deterioration." That is, they gave judgment about 12 per cent. underneath what their own valuer put upon the land.

6314. Lord *Tyrone.*] When their own valuator said the land was deteriorated?
He said the land was deteriorated, and in three cases there were no improvements.

6315. Viscount *Hutchinson.*] I understand these are appealed cases?
This is on appeal.

6316. This is the final decision?
This is the final decision.

6317. *Chairman.*] What was the expense of trying these cases?
The expense to me was, surveyors and valuators, 26 *l.* 16 *s.* 6 *d.*; law expenses before the Sub-Commissioners, 23 *l.* 4 *s.* 4 *d.*; ditto, on appeal, 30 *l.* 9 *s.* 4 *d.*; total, 80 *l.* 10 *s.* 2 *d.* for the five cases. If you wish to know the rental of the estate in 1850, it was 1,295 *l.* 15 *s.* 3 *d.*

6318. Marquess of *Salisbury.*] Against what?
Against the present valuation of 1,367 *l.* 14 *s.* 2 *d.* It was only raised in 1857, and it has not been raised since.

6319. How many tenants have you got?
There are 74 different holdings, but some of the tenants held like two farms; some of them had a farm in one townland and a farm in another.

6320. What amount of valuation would be the average?
Do you mean the annual letting value?

6321. No; Griffith's valuation?
I could not say.

6322. They vary very much?
They vary very much.

6323. Some large and some small?
Yes; you see some Griffith's valued entirely for corn land, and the land is totally different now. His valuation in the south of Ireland is no criterion of the letting value of land.

6324. I rather wanted to know the class of the tenants; are they small tenants or large; have you any large tenants?
I have some large tenants. I have got some men paying 40 *l.*, and 60 *l.*, and 64 *l.* a year rent.

6325. Have you many small tenants?
Yes, there are a lot of small tenants on one townland, notably.

6326. Do they pay well up?
They always paid very fairly; but of course small tenants are more apt to be backward than big ones.

6327. Are they well up now?
Yes, very well up now.

6328. They are not affected by agitation?
I cannot say that the tenants on my estate are, positively; that is to say, they are not refusing to pay.

6329. But are they paying?
They are paying. Of course where there are small tenants men always will want time.

6330. But there is no organised refusal to pay?
There is no organised refusal to pay; none whatever.

6331. Lord *Tyrone.*] With regard to your valuer, did he put much the same value upon these holdings as the Court valuer did?
They went within a few pence; from 6 *d.* to 1 *s.* an acre of each other. It was less than 1 *s.* an acre from each other in some instances, and less than 1 *s.* or 2 *s.* of each other, in some instances, on the total letting value of the farms.

6332. Were they close to the existing rents; that is, the rent before the judicial rents were fixed?
They were very close to them.

6333. And the Court valuer, I think you said before, said that there were no improvements?
In three cases he said there were no improvements, and the other improvements have been made within the last three or four years, or within the last three years, I may say. I know of two farms as to which he speaks of improvements upon, and the tenant of one is a man who has just come in for it about three years, and has made a good deal of improvement.

6334. But the rent has not been raised on him since he made his improvement?
No.

6335. Were all the improvements proved to have been made since the rents were raised?

Yes, many years since.

6336. What class of weather was it in which the Sub-Commissioners examined your land?

They went over the land the third day before Christmas, that is, on the 22nd December last, and there had been a fortnight's frost; there was strong ice on the river, and the land was as hard as that table, and as white as that envelope. I think there was a slight skin of snow and frost together on the land, or hail, or a sort of rough snow. I brought out a pick, thinking they would want it to break the land.

6337. Did you use it?

No; because these fellows had been hooking it before. They had been hooking at holes for their own amusement.

6338. The tenants?

Yes, the tenants had been doing amateur valuing of their own, and had hooked holes in it.

6339. Would the tenants be likely to make a hole in the best description of the land?

No, by no means. They took all the little skulls of the hills, where the soil was shallow. In one or two places they made mistakes, of course, and came into deep places.

6340. Did not the Sub-Commissioners require to see some of the best land broken for the purpose of judging the nature of the soil?

When I tell you that they ran over the land in less than two hours, you will see that they could not do much, but just look at the surface.

6341. Viscount *Hutchinson.*] What was the extent of the land traversed?

The farms were separate. It is not like running over a lot of farms together. They had to go to different farms, and I daresay they must have run over 250 or 300 acres.

6342. Between what hours?

Between three and half-past four o'clock. They were to have met me at 12 o'clock, and I waited from 12 till three o'clock.

6343. Marquess of *Salisbury.*] And part of that time was after sunset?

It was dark when they were getting on their car to go away.

6344. Lord *Tyrone.*] And at the same time the land was so hard that it was impossible for anybody to examine the subsoil, as I understand?

Perfectly hard; I do not think they could have examined the subsoil; at any rate, they could have been no judges of what was growing on the land. It would be utterly impossible for them to judge as to that.

6345. Was there any stock on the land at the time?

There was stock upon some of it, but it was not weather in which you could leave stock out, because the snow on the land would leave them nothing to eat. They were feeding them on hay, mostly, in the houses.

6346. Therefore the Sub-Commissioners saw the land almost barren of stock?

They saw it almost barren of stock, as you say.

6347. Which would not lead them to place any very high value upon it?

No; their going over it was the veriest farce out. Two of them walked along the top of the hills, Mr. Hodder and Mr. Weir, and Mr. Bomford walked in the hollows. That is the way they did it, and they raced over the land as hard as I could walk.

6348. Marquess of *Salisbury.*] Were the three Sub-Commissioners out?

The three Sub-Commissioners were out.

6349. Is not that very unusual?
No, I think not; they always seem to me to go in packs, the whole lot. They went over my brother's land, and then the three of them went out together.

6350. Then the legal Sub-Commissioner was valuing like the rest?
Yes, and along with them; but the only man amongst them who knew anything about it was Mr. Bomford; he and Mr. Weir were assisting Mr. Hodder.

6351. Marquess of *Abercorn.*] It is a very uncommon thing for the legal Commissioner to go with them, is it not, he knowing nothing of the land?
Not a single thing.

6352. Lord *Tyrone.*] Do you think the effect of the decisions will be to bring most of your tenants into Court?
I am convinced that every tenant on the estate will eventually go into Court with those decisions before them.

6353. Do you think there is the slightest chance of your being able to make a settlement with them out of Court?
Up to the present time I have been utterly unable to, except in one instance, and in that one instance I gave the man a settlement at less than what I believe to be the value of his farm, to induce the rest to come in, but I could not induce one of them to come in.

6354. May I ask whether there are heavy outgoings on your estate?
There are.

6355. I do not wish you to specify them, but would you name about the amount, if you have no objection to naming it?
There is not one of these outgoings created by myself; they are all left to me along with the estate. I include in this, poor rate (the average poor rate for three years), the county cess, and income tax for three years, and the whole lot of them come to 966 *l.* 8 *s.* 7 *d.*

6356. That would leave a margin of about how much?
About 401 *l.* 5 *s.* 7 *d.* At present I am managing my own agency. If you put the agent's fees on to that, that will be another 70 *l.* Supposing I was obliged (which I might at any moment be) to put the estate in the hands of an agent and leave it, that would be another 70 *l.*, which would leave considerably less than the amount I have stated.

6357. Therefore you consider if those reductions go on, the whole of your margin will be swept away?
I consider that not only will the whole margin be swept away, but that with the usual time required by Irish tenants, I shall be in "queer-street" in a very short space of time.

6358. You would have really nothing left?
Practically, nothing left.

6359. Are you aware whether there are many landlords who are in something like the same position as yourself?
There are plenty of them; there are heaps of men who are encumbered, and encumbered not by themselves, but by their predecessors, just in the same way that I am encumbered.

6360. You, I think, I understood you to say, have never put a shilling by way of mortgage upon the estate?
I have never put a shilling of mortgage on to benefit myself; I was obliged to raise 5,800*l.* to pay off legacies that were left when I was left the property, and for which, of course, I had to find the money.

6361. You would hardly call that putting it upon the property yourself?
No, there is nothing on the estate that I have borrowed, personally, for myself.

6362. Not a shilling?
Not a shilling.

6363. Yet

6363. Yet if these decisions go on you will have the whole margin swept away?

I shall have the whole margin swept away; and in fact I should say that I shall very likely be in the Bankruptcy Court by coming into the property; that is the way I look at it.

6364. Have you never had any difficulty with your tenants before these times?

I never had any difficulty until this Act passed; I never had a cross word with one of them until this Act passed.

6365. And you were always prepared to give them time and every consideration?

I was always prepared to give them time, and to do everything I could for them, but of course now I have been obliged to call in my arrears, and do everything I can; and, in fact, to become very close, naturally, to defend myself.

6366. You think there is no possibility of selling your estate?

Well, I think that would be a very troublesome matter with trustees; I should be delighted to sell it, if I could sell it.

6367. Marquess of *Salisbury*.] Could you find a purchaser?

I wish I could. I am very certain that no man in his sane senses at this minute would buy an acre of land in Ireland with tenants on it; no man, unless he were preparing for a lunatic asylum, would think of buying land with tenants upon it; in fact, I do not see what security he would have for his money.

6368. Lord *Tyrone*.] And the tenants are not prepared to buy, are they?

I have not asked them, but I should say that they are not; I know the feeling of the tenants is that if they work the present agitation they will eventually get their land for nothing; in fact, some of them have openly stated as much.

The Witness is directed to withdraw.

Adjourned to Friday next, at Twelve o'clock.

# *Die Veneris*, 30° *Junii*, 1882.

## LORDS PRESENT:

| | |
|---|---|
| Duke of SOMERSET. | Earl CAIRNS. |
| Marquess of SALISBURY. | Viscount HUTCHINSON. |
| Marquess of ABERCORN. | Lord TYRONE. |
| Earl of PEMBROKE and MONTGOMERY. | Lord CARYSFORT. |
| | Lord BRABOURNE. |

THE EARL CAIRNS, IN THE CHAIR.

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MR. HENRY A. JOHNSTON, is called in; and Examined as follows:

6369. *Chairman.*] YOU are a member of the Irish Bar, I believe.
I am.

6370. And you are an owner of property in the counties of Antrim and Donegal?
I am.

6371. Have you some land in your own hands?
I am agent for my father, and I manage a farm of 150 acres for him.

6372. What is the name of your father's property?
It is situated at Kilmore, in the county of Armagh, near Richhill?

6373. How many acres is it?
The estate that I understand I am now being asked about comprises 475 acres. My father has other property in the county.

6374. We will confine your attention to this estate of Kilmore?
It is 475 acres.

6375. How many tenants are there?
Fifty-five.

6376. And what is the rental?
£. 628. 9. 1.

6377. And the Government valuation?
About 700 *l.* gross.

6378. So that this is a case in which the actual rental is below the Government valuation?
It is.

6379. Was that estate purchased from the Church Temporalities Commission?
It was in 1878.

6380. Did you know the property before it was purchased?
I did.

6381. Had the rents been unchanged for a long time before the purchase?
They

They had. As far as I could find out they had on two townlands for upwards of a hundred years not been changed.

6382. On two townlands for upwards of a hundred years the rents had not been changed?
So far as I understand.

6383. And was that the case with respect to the other?
In the other a slight rise was made in 1840, I believe, but on that townland the rents even now are very low.

6384. Viscount *Hutchinson.*] How are they with reference to the other townland?
I should say that the highest rent would be about 27 *s.* an acre, and on the other townland they would be about 30 *s.*; I should say that there is a difference of 3 *s.* or 4 *s.*

6385. I mean on the other townland you alluded to, and as to which you said the rent was raised in 1840?
Yes, I think the highest rent on that townland is 27 *s.* an acre; the average would be about 24 *s.* an acre.

6386. And on the other a little less?
A little more. It is very good land; it is all wheat-growng land; heavy rich clay on a limestone bottom.

6387. *Chairman.*] Had a wish been expressed by the tenants to your father that he should purchase this property?
Several of them asked him to purchase. He was the clergyman of the parish.

6388. For what reason did they wish him to purchase?
They came to him and said they were not able to buy themselves, and were afraid of the rents being raised, and they thought that if he purchased he would be a good landlord.

6389. I believe your father would have been glad to have purchased only a part, if the Commissioners would have sold it?
A very small portion. What happened was this: only six tenants having purchased, the Commissioners announced that they were prepared to sell the residue of unused holdings to the general public; Mr. Johnston wished to purchase one of the townlands, the rental of which was 174 *l.* 3 *s.* 5 *d.*; I made a proposal for him to the Commissioners for the purchase of this townland; the offer was accepted provisionally, provided no higher offer was made. Then there was competition, and they announced that they would sell the whole property in one lot by auction.

6390. What was the purchase money?
£. 14,800.

6391. Was a part of that left as a charge upon the property?
Yes, half the amount of the purchase, 7,400 *l.* 7 *s.* 2 *d.*, was paid down, and the balance remains as a charge to be paid off in twenty years, principal and interest, in half-yearly instalments.

6392. What is the amount of the half-yearly instalment, or the yearly instalment; you had better take the yearly instalment?
The yearly instalments come to 541 *l.*, and I may say that after paying those instalments and paying the outgoings, the landlord only receives about 15 *l.* a year as interest on the 7,400 *l.* 7 *s.* 2 *d.* that has been paid.

6393. Viscount *Hutchinson.*] That is in fact the profit he makes out of the state?
He gets about 15 *l.* a-year for it.

6394. *Chairman.*] Has your father given employment to tenants?
Yes, very largely. In the last three winters he has given very large employment.

6395. What

6395. What was the number of years' purchase that the 14,800 *l.* represents?
About 23 years' purchase.

6396. So that after the charges that would have given on the rental that you mentioned, if the money had been paid, about 4 per cent., would it not?
About 4 per cent., I think.

6397. Have the rents been punctually paid until lately?
They have. Seventeen tenants have served notices to have fair rents fixed, and all those tenants paid their rents on the 6th of December last, that is for the previous year; down to the 1st November last year, the rents were paid on the 6th December last.

6398. What rents were those that were paid up to the 1st November?
The rents of the 17 tenants who have gone into Court.

6399. Was there a hanging gale?
None. The rents were all paid up to the 1st of last November.

6400. Viscount *Hutchinson.*] You receive your rents yearly?
That is so. I believe the Commissioners of the Church Temporalities did for a short time collect the rents half-yearly, and of course we are at liberty to do the same, but the custom has been to take the rents yearly.

6401. *Chairman.*] Seventeen of the tenants, I think you say, went into Court?
Seventeen of the tenants have gone into Court. Out of those 17 one man tells me that he did not authorise anyone to instruct the solicitor to issue an originating notice, and that he has no intention whatever of proceeding with it.

6402. Some kind friend served it for him?
Some kind friend served it for him; and the largest tenant on the property, who pays a rent of about 35 *l.* a year, has told me that he does not intend going on either, but since then the present Sub-Commission have sat in the county and given very large reductions on the estate. They have made a reduction of 25 per cent., and I should think that this tenant would change his mind now.

6403. Marquess of *Salisbury.*] What Sub-Commission is it?
Mr. Romney Foley is the chairman, and Mr. Meek and Mr. Davidson are the two lay Commissioners.

6404. Do you know anything of Mr. Meek?
I never heard of him until he was appointed a Commissioner, but I have heard a good deal about him since, and I have made inquiries about him.

6405. What have you heard?
I have heard that he was at the last two contests in Derry and Tyrone, actively engaged as a canvasser and election agent for the two Liberal candidates; that he is a man who has identified himself very much with the tenants' agitation at a tenant-right meeting at Cookstown; he stated that his grandfather carried a pike in '98, and that he was a chip of the old block; that he has been engaged (before he was appointed a Sub-Commissioner) in giving evidence on behalf of tenants, and that in some cases he put a most ridiculous value on the holdings.

6406. Viscount *Hutchinson.*] Was he a professional valuator?
He is not a professional valuator. Before I left Dublin I met a gentleman who is agent of an estate in county Tyrone, who told me that he had arranged with the tenants to have an arbitration; that the tenants should appoint a valuator, and the landlord a valuator, with power to call in an umpire; that the tenants had nominated Mr. Meek; he therefore declined to have the arbitration, as he did not not consider Mr. Meek qualified as a valuator, and thought that he was not the class of man who was likely to do equal justice to both parties. This was the agent's opinion, therefore the arbitration fell through and the tenants went into Court and produced Mr. Meek, who gave evidence, and I have got here the

figures as to the valuation made by Mr. Meek and the figures of the judicial rents, and I have been told that, on other properties, Mr. Meek's evidence was even lower in proportion.

6407. Marquess of *Abercorn.*] Do you know what Mr. Meek's status or position was before he was a Commissioner; I believe he belongs to Cookstown, does he not?

He belongs to the neighbourhood of Cookstown.

6408. What was he before?

I believe he has a small farm on the estate of the Salters' Company, near Moneymore.

6409. He was a tenant farmer himself?

He was a tenant farmer himself, and I should say, from what I am told, his farm is a very small one, perhaps not more than 60 or 70 acres.

6410. Lord *Brabourne.*] Do you know him of your own personal knowledge?

I only know him by having appeared before him as a Sub-Commissioner.

6411. But with regard to all his electioneering undertakings, it is only hearsay, is it?

It is not only hearsay, but these things are notorious. One hears them from the reports of newspapers and from one's own personal friends. I live in the county of Armagh; Tyrone is the adjoining county, and I know the county Tyrone very well indeed. I am an elector of the county Tyrone, and I have opportunities of knowing what is going on.

6412. Marquess of *Salisbury.*] There is no doubt whatever, is there, that previous to his appointment he was working actively for Mr. Porter at Derry?

He was, and there is every reason to believe that he got his appointment on account of his services at those two elections in Derry and Tyrone.

6413. At all events there is no doubt that Mr. Porter stood very much upon the question of reduction of rents?

Very much indeed.

6414. And Mr. Meek, before his appointment as a Sub-Commissioner, was strongly assisting him in his canvass?

Certainly.

6415. Lord *Brabourne.*] At all events you have every reason to believe that what you have told us about him is fact?

I have taken great interest in it, my father having property in the county, and Mr. Meek sitting there as a Sub-Commissioner, I made it my business to make inquiries, and I am satisfied that what I have stated is correct.

6416. *Chairman.*] In the 17 cases on your father's property, how many have been heard?

Two have been heard.

6417. Have you got the figures as to the judicial rent?

I have got the figures here; perhaps I had better read them out. The first tenant is Mary McAtasney, area 15 acres 2 roods, old rent 24 *l.*, Government valuation 22 *l.* 10 *s.*; the valuation of Mr. Murrough O'Brien, made for the Church Temporalities Commission, puts down the letting value at 24 *l.* a year, and the saleable value (that was for the purpose of selling to the tenants under the purchase clauses of the Church Act) at 25 years' purchase of the existing rent. The valuation made by Mr. J. C. McBride, a well-known professional valuer, is 23 *l.* 13 *s.* 6 *d.*

6418. *Chairman.*] When was that valuation made?

That was made about two months ago. Mr. McBride, in giving his evidence, said on his direct examination, that he considered the present rent fair. He explained to me that when he goes over a farm he is obliged to make a field by field valuation, and unless he added on pence to the acre he could not make the tot come out at what the old rent would be; but having taken all into consideration, he was satisfied that the present rent was not only fair but reasonable. The valuation made by Thomas Gray, Mr. Johnston's steward, and a very competent man, was 26 *l.*, and the judicial rent was fixed at 18 *l.* 10 *s.*

The

The valuer produced by the tenant stated that the full commercial letting value would be 21 *l.* 5 *s.*; that is adding the tenant's interest and the landlord's interest together, Then there is a second holding, and the figures are much the same. (*The document is handed in,* vide *Appendix.*)

6419. Who is Mr. Gray; what valuer is he?
He is not a professional valuer. He is the land steward of Mr. Johnston; he is intimately acquainted with the value of land in the immediate locality, and what the land is capable of producing. Mr. Johnston's own farm adjoins one of those holdings. I should like to state that in 1880 or 1881, the tenants applied to have their rents reduced, not on the ground that the rent was high or excessive (several of them at the same time distinctly stated that the rents were not high), but on the ground that other landlords in the same district were giving large abatements, and that therefore we should do the same, and I remonstrated, stating that the Commissioners of the Church Temporalities would expect us to pay our instalments in full, and that if they memorialised the Commissioners I would be very glad indeed if I could get them an abatement. I said I thought the rents very fair, but, at the same time if they thought they were not fair they were at liberty to sell for the best price they could get, and if they could get no one to buy from them, to come to me, and I would pay them 10 *l.* an acre. As a matter of fact, one man did come to me, having first tried his neighbours, and I paid him 75 *l.*, which was at the rate of 10 *l.* an acre for 7½ acres, taking the farm, which was in a very bad state, off his hands, and he expressed himself very well satisfied; I also, on behalf of Mr. Johnston, gave him a small present in money.

6420. Viscount *Hutchinson.*] That farm is now in your hands?
That farm is now in our hands. Two of the other tenants sold their interests for prices higher than 10 *l.* an acre. One of them was a man who was in debt, and we made him a present of a year's rent. He was anxious to go either to America or to some of the Colonies, but owing to the difficulties he was in, he has not been able to go.

6421. How many years' purchase does 10 *l.* an acre represent?
It would be about seven years' purchase.

6422. That is what you offered him?
Yes.

6423. And with respect to those farms of the others tenants who sold in the open market, what do you suppose they got?
I believe they sold at about 12 *l.* an acre. What I am anxious to mention is, that here is a tenant who has sold his land, has not got the means to emigrate, is most anxious to go, and there are no means that I know of for enabling him to get away; he has a large family, and is most anxious to emigrate.

6424. That is a man who was in debt?
He was in debt, and he has not got the means left after selling his farm with which to go.

6425. He is practically stranded?
He is working in a quarry, and is occupying a house, which he undertook to give up to the man who bought; but he has not yet gone, and is living there as a trespasser.

6426. Has he refused to give it up?
I believe so.

6427. *Chairman.*] Two cases you say have been decided; have you appealed in those cases?
Certainly.

6428. When do the others come on for decision?
We cannot tell; we have no means of knowing. They have not been listed yet.

6429. Are more of the tenants going into court?
I should think they would all go into court if on appeal these reductions are confirmed.

6430. Where is the land situated, is it near a town?

It is about seven miles from Armagh, about four from Portadown. It is within easy reach of four lines of railway. On the railway to Derry from Portadown the station is about three miles off; there is a line from Armagh to Newry within three miles, and there is the line at Rich-hill, which goes to Clones, about two miles off. In fact, they have access to all parts of Ireland by these different lines. There are two large markets; one in Portadown and one in Armagh.

6431. Viscount *Hutchinson.*] With regard to that question of the sale of tenant right, of course tenant right exists; you are under the Ulster custom, are you not?

We are.

6432. Can you give me any idea of the average rate of tenant right for any number of years?

On this estate, as far as I can find out, the custom was, under the former rector of Kilmore, to allow only 5 *l.* an acre; but, during the time that the estate was under the management of the Church Commissioners, I know one case where the tenant right sold at 20 *l.* an acre.

6433. When the estate was in the hands of the Church Temporalities Commissioners, the tenant right you believe to have been practically unlimited?

I believe so. The rents were paid into the Bank of Ireland, and there was no one to look after the estate, and it got into a very bad state. The estate became vested in the Church Temporalities Commissioners on the 24th January 1871, when the last rector died, and remained in their hands until July 1878; so that for more than seven years they had the management of it.

6434. It was in 1878 that your father bought it?

It was.

6435. What is the form of conveyance given by the Church Temporalities Commissioners?

I have it here. "We, the Commissioners of Church Temporalities in Ireland, under the authority of an Act passed in the thirty-second and thirty-third years of the reign of Her Majesty Queen Victoria, chapter forty-two, shortly intituled 'The Irish Church Act, 1869,' in consideration of the sum of 7,400 *l.* 7 *s.* 2 *d.* by Richard Johnston, of Kilmore, in the county of Armagh, clerk in holy orders, paid into the Bank of Ireland to our account, and of the further sum of 7,399 *l.* 12 *s.* 10 *d.* secured by indenture of mortgage bearing even date herewith, do grant unto the said Richard Johnston those portions of the towns and lands of Annahugh, Annaboe, and Bottle Hill, situate in the barony of O'Neiland West and county of Armagh, containing 475 acres and three perches statute measure, or thereabouts, as now in the possession of the tenants on the said lands set out in the schedule hereto, with the appurtenances, to hold the same unto the said Richard Johnston, his heirs and assigns, for ever, subject to the lease and tenancies set out in the said schedule, and also subject to such rights of common, rights of way, and other easements (if any) as now effect the said premises. In witness whereof, we, the said Commissioners of Church Temporalities in Ireland, have hereunto affixed our corporate seal," &c. Then there is the schedule giving the acreage and also the rents.

6436. That is the only document you have recording anything that may have taken place upon the property before it came into your hands?

That is all, except the valuation made by Mr. Murrough O'Brien (as to the letting value and the saleable value of each holding for the purpose of fixing the price to be paid by each tenant if he wished to purchase his holding under the tenants' purchase clause in the Irish Church Act), of which the Commissioners had furnished me with a certified copy; that is certified by the officer of the department who had charge of it.

6437. Still the fact remains, that you purchased this property in 1878, and in 1882 you are taken into court, and have to combat certain facts which are brought

brought before the court by the tenants, and you yourself have no power of finding out any facts which enable you to contradict them?

None whatever.

6438. Which places you at a great disadvantage?

At a very great disadvantage. Tenants go into court and give evidence of improvements which they say were effected by their grandfathers at a time when they were not born, and that is taken by the court as evidence.

6439. Lord *Tyrone.*] Did you produce any other evidence, such as the letting value of the land near the holding?

I did; I had a witness who would have proved that in the years 1874 and 1875 he auctioned some meadows adjoining the meadows of one of those tenants (I have the figures here), and he would have proved that those meadows realised prices varying from 4 *l.* 10 *s.* to 7 *l.* an acre. The tenant has six acres of meadows of the same character, and one of the witnesses for the landlord stated that he considered she could pay the entire rent by the meadows alone. I also could have proved the letting value of other land in the immediate locality of the same character, but I was told by Mr. Foley that his colleagues would not have time to go and value other lands, and he certainly was not going to ask them; the evidence was accordingly excluded. I subsequently gave Mr. Foley a written statement, calling his attention to the fact that I had proposed to tender such evidence, and asked when judgment was delivered that they would state their reasons for declining to accept the evidence.

6440. Which they did?

Which they did not do. The statement also contained several other very important points which I asked to have decided.

6441. With regard to what you said just now about Mr. Meek as a Sub-Commissioner, was the valuation which he made for the tenants extremely low?

It was extremely low. I have the figures here.

6442. I do not think we require the figures; but was it so low that the Sub-Commissioners refused to accept it as a valuation?

I believe so.

6443. Did they put the rents very much higher?

Very much higher.

6444. Have you got anything further to state with regard to these decisions in your own cases?

I have. I consider that the decisions were not at all warranted either by the valuation of the land or by the evidence. I consider that if anything the existing rents should have been raised, certainly not reduced, and I pressed upon the Commissioners as strongly as I possibly could that the rents were fair and reasonable. In fact I told them that they could not, under the circumstances, make the reduction, and that the evidence given by the tenants was wholly unreliable; and I relied strongly upon the valuation made by Mr. Murrough O'Brien for the Church Temporalities Commissioners. I should say that Mr. O'Brien was produced, and Mr. O'Brien was a most unwilling witness; it was most difficult to get him to state what his views were. In fact he denied that he had made a valuation with reference to the letting value of the land at all, and I was not allowed to put the questions to him that I wished to put, and in fact Mr. O'Brien's evidence was of no assistance.

6445. Marquess of *Salisbury.*] Why do you say you were not allowed to put the questions you wished to put?

The solicitor on the opposite side objected; and I may say that all through the inquiry the Commissioners' object was to suppress evidence on behalf of the landlords; there is no doubt whatever about it. I asked Mr. O'Brien to produce his field notes; he stated he had destroyed them. Mr. Foley said even if he had his notes he would not be required to produce them.

6446. Lord *Tyrone.*] Had you Mr. O'Brien's valuation?

I had, and I tendered it in evidence. It is a certified copy. According to the rules laid down by the Land Commission, if you wish to give in evidence documents that you obtain from the Land Commission, they must be certified by

the officer of the proper department; and here is the valuation made by Mr. Murrough O'Brien for the Commissioners, furnished to me by the Commissioners, and certified by their officer to be a true copy.

6447. Viscount *Hutchinson.*] Furnished to you by the Land Commission?
By the Land Commission.

6448. In whom the functions of the Ecclesiastical Commissioners are now merged?
Yes, and to whom we pay our instalments.

6449. Lord *Tyrone.*] And you have a very large sum of money to pay yearly?
A very large sum, indeed.

6450. What will your margin be?
Our margin, after we pay the instalments and the outgoings, does not leave more than about 15 *l.* a year to represent interest on the sum of 7,400 *l.*, which Mr. Johnston has paid to the Commissioners of the Church Temporalities.

6451. Is that before or after the judicial decisions?
Before.

6452. You only had 15 *l.* a year before the judicial decisions?
Before.

6453. Therefore, since the judicial decisions, I suppose it would be a minus quantity?
Of course; only two cases have been decided. They have reduced the rent of 24 *l.* to 18 *l.* 10 *s.*, and they have reduced a rent of 5 *l.* 7 *s.* 6 *d.* to 4 *l.* 5 *s.*

6454. *Chairman.*] Striking seven pounds off the two, I believe?
Yes.

6455. Lord *Tyrone.*] Do you anticipate that most of the tenants will come into court?
I should think if these decisions are confirmed on appeal that they would be very foolish if they did not.

6456. Then if the same reduction was to go on you would be paying the Commissioners of the Church Temporalities a very much larger sum than you were receiving?
Certainly; very much larger. I urged upon the Commissioners that these rents had been paid for upwards of 100 years, because in both these cases the tenants admitted that those rents had been paid for upwards of 100 years, without any abatement, and that *primâ facie* a rent paid for such a period of time is a fair rent. I quoted to them the Report of the Bessborough Commission. I told them what my view was of the policy of the Act, and I cited a judgment delivered by a county court judge, Mr. Charles Kelly, in which he said, unless the rents were excessive or extortionate, he had no power to interfere; that was his view of the Act; and I pressed as strongly as I could Mr. Kelly's view of the Act.

6457. You bought the property from the Church Commissioners with what you supposed to be a guarantee of title, and also a guarantee of the rents that the tenants were then paying?
Certainly, and also with the idea that if at any time we wished to do so the rents could be raised. It was not bought as a mercantile speculation; but we knew that, if at any time circumstances rendered it necessary, the rents could be raised.

6458. Viscount *Hutchinson.*] On the termination of a tenancy?
Certainly. There is not the least doubt the tenants themselves expected the rents to be raised. Six tenants purchased, and the only reason for purchasing was that they did not know who would be the purchaser, and fully expected that the rents would be raised; and two of them have told me that they would not have purchased if they had known Mr. Johnston was going to buy, because they are now in a worse position than they were before. A man, called Robert Hutchinson

Hutchinson, purchased a small holding, paid down a quarter of the purchase money; the balance is secured by a mortgage to be paid off in 32 years, principal and interest; and he is actually paying a larger sum to the Commissioners than he was paying rent. He has also to pay the entire poor-rates, and the quarter of the purchase money is simply sunk, and he gets no return from that at all.

6459. Do you think he borrowed that money?
No, I think not; I think he had saved it out of the proceeds of the farm.

6460. Lord *Tyrone.*] Are you acquainted with many estates in the north of Ireland, I mean, as to whether there are mortgages and charges on the estate?
Yes, I am.

6461. Do you believe that there are a very large number of estates seriously mortgaged?
I know that there are estates in our neighbourhood which are very heavily mortgaged indeed. On one estate, which is very heavily encumbered, the rents have been reduced very considerably; I should say from 30 to 40 per cent.

6462. Do you consider that if these reductions go on, the margin will be swept away on a great number of those estates?
Most unquestionably.

6463. And the proprietors of them will be ruined?
I should say so. In the county of Armagh there are an immense number of very small proprietors, some of them in the rank of peasants, and they have, as a general rule, to pay a head rent to the Church Commissioners too; because a very large portion of the county of Armagh belonged to the church, and was held under bishop's leases; they have been converted into fee-farm grants; the middlemen, say, have from 30 to 40 acres, and they have this land sub-let, and in several cases those rents have been very largely cut down, and I should think there would be a very small margin left after paying the head-rents.

6464. Viscount *Hutchinson.*] In some cases there would be no margin at all?
In some cases there would be no margin at all. I know one set of cases that was before the Armagh Commission this time. The man who was trustee for the parties considered that it was better to settle with the tenants, giving them the rate of reduction which the Commissioners were giving, and it was understood that when that was done there would be nothing left; they are people in a very humble rank of life.

6465. Lord *Tyrone.*] I suppose that many of those people who purchased these small properties made their money in farming, or in shopkeeping, or various ways of that sort?
Yes, there is one case of a butcher in the City of Armagh, Mr. Edgar, who saved a sum of from 4,000 *l.* to 5,000 *l.*, and invested that in the purchase of a small property near Armagh, within about two miles of the city, and one rent was reduced from 45 *l.* to 35 *l.*, and other holdings were reduced in proportion.

6466. Therefore these men, who have made their money in trade or in the pursuit of farming, will lose what they invested upon Government security?
Certainly; I think his case is a very serious case. I may say that the landlords in the county of Armagh have no confidence whatever in the decisions of the present Commission. They think that the Act is not being administered by them according to the intention of the Act of Parliament.

6467. Marquess of *Salisbury.*] Do you mean the Commission or the Sub-Commission?
The Sub-Commission; and there is really very little encouragement to appeal from those decisions, because the principles upon which the Head-Commissioners go I do not think are at all fair. They employ a valuer; he goes on to the lands, and he values the landlord's interest and the tenant's interest together.

He values just as he finds the lands; he makes a report, and the Chief Commissioner says, "The difference between our valuer's report and the decision appealed from, after deducting improvements, is so trifling, that it is not worth while to make any alteration, and therefore we confirm the decision." Now, tenants are allowed to give evidence as to improvements; for instance, they claim for fences, which I do not think at all add to the letting value of land, say on a small farm of 10 acres. If the landlord took those farms into his own hands, the probability is that he would remove half the fences.

6468. Lord *Brabourne.*] The fences are very often a question for the occupier; one occupier may wish to have it, and another may wish it away?

One occupier simply puts it down for his own convenience. In one of the cases we had, the tenant was asked what were his improvements, and he proved that he planted a hedge and removed a hedge. On cross-examination I elicited that he had simply taken up a hedge here and put it down there.

6469. Viscount *Hutchinson*] A growing hedge?

Yes, he raised it from here to put it down there, simply for his own convenience?

6470. Lord *Brabourne.*] You could not tell whether he was allowed for both improvements, could you?

The Commissioners do not give any reasons or state on what they base their decisions. Another thing I complain of very much is, that although I argued the case very fully, and put forward a great many points which I thought ought to receive consideration, in giving judgment they gave no reasons, and I understood that I would get notice when judgment was going to be given. At 12 o'clock on the day that judgment was given, a telegram was delivered at Kilmore, saying that at half-past two on that day judgment would be given. I was away, and did not receive it until six o'clock in the evening.

6471. What distance were you from the court; could you have gone if you had been at home?

I should have gone if I had been at home; I live seven miles off.

6472. Could you discover any principle on which the Sub-Commission decided on these rents?

I think the principle is to give a reduction varying from 25 to 40 per cent.; they seem to be under the impression that their mission is to reduce rent. The witnesses for the tenants are allowed to tell the most palpable falsehoods, and no attempt is made by the Sub Commissioners to discourage them.

6473. Is it your idea that reduction is made whether the land is high-rented or low-rented?

Certainly.

6474. Then the landlord who has exacted high rents comes off the best?

Certainly. The chief Sub-Commissioner says, "I do not know anything about the value of land; my colleagues will go out, and they will see the holdings." They do so, and whatever report they bring back seems to be what is acted upon; the chief Sub-Commissioner does not seem to take any part whatever in fixing the rents.

6475. Have you many tenants in arrear?

No, none.

6476. Viscount *Hutchinson.*] You say you have appealed in these cases?

Yes, we have appealed.

6477-8. On what ground?

On the ground that the reductions are thoroughly unjustifiable. I, as a practical farmer, know the value of land; I know what I could do with the land if I had it in my own hands; I know what it is worth; I know what I should have to pay the tenants if they wished to sell; I know what I could let the lands for, if in my own hands. I have no confidence in the decisions that have been given, and I wish to test the decisions to the fullest extent.

6479. Lord *Tyrone.*] Do you consider that the decisions have been getting worse lately in your district?

I do. We have had a second Commission. Mr. Fitzgerald, Mr. Mahony, and Mr. Comyn were rather more moderate in their decisions, but the tenants on one of the estates thought they did not reduce the rents low enough, and they burnt the Commissioners in effigy. Those Commissioners are transferred to another county, and Mr. Foley, Mr. Davidson, and Mr. Meek have been sent to Armagh, and the impression the tenants have is that they have been sent there on purpose, because the reductions made by the previous Commissioners were not low enough; one of the tenants told me so.

6480. Viscount *Hutchinson.*] Have you any instance of tenants appealing?

Yes, on the estate of Mr. Cope there have been several appeals from decisions of the last Commission.

6481. What was the result?

They have not been decided.

6482. Did they appeal because the rents were raised, or because they were left in *statu quo*?

Because the rents were only reduced about 13 per cent.

6483. Earl of *Pembroke and Montgomery.*] You told us just now that you were not very well satisfied with the way in which the Chief Commissioners behaved about improvements; they did not add anything to the letting value of the land, but how do you know that the Chief Commissioners made any deductions on account of improvements that did not add to the letting value of the land, such as fences?

I judge from the reports I have seen of their decisions, and from conversing with persons who have been before them.

6484. They did not say anything themselves which could possibly give such an impression, did they?

What I understand them to say is this, that the Court valuer values the land as he finds it, the tenants give evidence that they have made certain improvements and that those improvements have cost so much; and I believe in one case Mr. Justice O'Hagan laid it down that the Court valuer had certainly fixed the rent at so much, but that on account of the improvements they were obliged to make a reduction.

6485. But if these improvements did not add anything to the letting value of the land, of course it would be the duty, and perfectly open to the landlord's counsel, to show that before the Chief Commissioners?

Of course it would; but I understand that only one of the Commissioners are practical men, and I think that lawyers who have not had any practical experience of land imagine that everything a tenant does (and all his expenditure) must be done for the purpose of adding to the letting value of the land, and accordingly they put a price on whatever the tenant alleges to be an improvement; that is what I should think.

6486. Is not that bringing a very grave accusation of ignorance against them?

Well, they are not practical men; of course I would not like to be very strong upon that point.

6487. Lord *Tyrone.*] Did you follow out the decision in Adams *v.* Dunseath; do you thoroughly understand it?

I have read the decision; none of the cases we have are likely to be affected by that decision. Another thing we complain of is this, the three Chief Commissioners under the Act of Parliament are required to hear appeals except in the case of the illness or unavoidable absence of any one Commissioner; two Commissioners only are now trying these cases; they are sitting now, I believe, in Derry, and are going to sit in Belfast. They say it is necessary for the pur-

pose of carrying on the business of the office that one Commissioner should be in Dublin always, and there is only one member of the Commission who has any practical experience as to the value of the land, that is Mr. Vernon; Mr. Vernon is now in Dublin, and Mr. Justice O'Hagan and Mr. Litton are trying these appeals.

6488. Marquess of *Abercorn.*] Both of whom are lawyers?

Both of whom are lawyers and have had no practical experience, so far as I know, and I do not think it is pretended that they have.

6489. Lord *Brabourne.*] Then the practical man is discharging the legal business in Dublin, and the legal men are discharging the practical business in Derry; is that so?

That is so; I urged very strongly before the Sub-Commission the point that unless rents are exorbitant and excessive, the Act gives them no power to reduce them; that is the point I was most anxious to have brought out, and I put in a statement in which I raised several points, and they have not been ruled upon. Another point I called attention to is the Landed Property (Ireland) Improvement Act of 1860, which authorises the judges of the Landed Estates Court to sanction leases on the estates of limited owners, and in which there is an express section that the rent to be reserved in the lease is to be the best rent "that can reasonably be gotten for the same." I submitted the landlord is entitled to the full fair letting value of the land; that the policy of the Act is to protect the tenants' improvements, not to allow the landlord to raise the rents on the tenants' improvements; to give the tenants security of tenure; to give him the right of free sale, and that in no degree whatever can the Act be construed to mean that the rents are to be reduced wholesale.

6490. Lord *Tyrone.*] There is one point as to Adams *v.* Dunseath, which I was going to ask you about; perhaps you may have noticed it; there is a question about predecessors in title?

Yes, there is.

6491. Did you follow that decision?

I read the case generally, but I have not gone into the question very carefully.

6492. *Chairman.*] In the Court of Appeal in Adams *v.* Dunseath, what do I understand was the construction they put upon the words, "predecessors in title;" did they construe "predecessors" to mean tenants who went before them in any case, or did they construe it to mean tenants who went before them, and from whom they had some continuity of title, or derived some title?

Really the decisions differ so much as to Adams *v.* Dunseath, that I would not like to express any opinion.

6493. You would not like to be the interpreter?

I really would not.

6494. Lord *Brabourne.*] Then, with regard to the general effect of the Act, I gather that you do not think that it has been calculated to strengthen the bond of union between landlords and tenants?

Quite the contrary. The tenants on Mr. Johnston's property that was purchased from the Church Commissioners—the very men who wished him to buy—and who when I went round and visited them after the purchase, all expressed themselves much pleased that Mr. Johnson had purchased, have now quite a contrary feeling towards him, and it is now a question of going into court, and getting rents reduced, and there is anything but a friendly spirit.

6495. Do you think it has been calculated to strengthen the confidence of the Irish people in the justice of the Imperial Parliament, or the reverse?

Certainly not the landed class, or even the mercantile class; though I do not know that the mercantile class are interested so much in it as the landed class are. Of course tenant-farmers think that the rents ought to be reduced, and they

they expect that, at the end of 15 years, by fresh legislation, rents will come still lower.

6496. Do you think the tenant class are satisfied, and that there has been now anything like a permanent settlement upon a sure basis; or that, by further agitation, they expect to obtain further legislation?
They expect by further agitation to obtain further legislation, and tenants have told me so.

6497. If that is the case it will not have tended to the pacification of Ireland, will it?
Certainly not.

6498. Marquess of *Salisbury.*] You say that that has been actually told you by tenants?
I was actually told by one of the tenants that in 15 years there would be a new law, and that the rents would come even still lower.

The Witness is directed to withdraw.

Mr. ALEXANDER D. KENNEDY, is called in; and Examined, as follows:

6499. *Chairman.*] You are a Solicitor and Land Agent, are you not?
Yes.

6500. Residing in Dublin?
Residing in Dublin.

6501. You have had for the last quarter of a century experience of land in Ireland?
Yes.

6502. We understand that you are solicitor for the receiver of a minor's estate in the Court of Chancery?
Yes.

6503. With a rental of 6,000 *l.* a year.
About 6,000 *l.* a year.

6504. In what county?
In the counties of Dublin, Limerick, King's County, and Queen's County. There are 233 tenants on that estate.

6505. Are you solicitor also for an encumbrancer of 50,000 *l.* or thereabouts, on an estate in the county Cork and Waterford?
Yes.

6506. Of a rental of 3,000 *l.* a year?
Yes, about that.

6507. Is there a receiver over that?
There is a receiver over that, who has been placed over it under the Landed Estates Court. It is also for sale in the Landed Estates Court.

6508. Is that at the instance of the encumbrancer?
Yes. On that there are 110 tenants altogether.

6509. We will come to that presently. In the case where you are solicitor for the minors, have you been entrusted by the receiver judge with the defence of originating notices served by the tenants?
I have, and also in the other case I mentioned.

6510. Have any of them come on for hearing yet?
No, none of them; there is one listed for a fortnight hence.

6511. Then that estate—that is the estate in the county Cork and Waterford, the subject of the encumbrance that you spoke of—has been put up for sale, has it not?

It has.

6512. When was it put up for sale?

Last June.

6513. Viscount *Hutchinson.*] When was this receiver put on this county Cork and Waterford estate?

The receiver was originally put over a part of that estate some four or five years ago, and over the remainder about two years ago.

6514. Is it owing to the circumstances that have taken place of late years that it was necessary to do that, or is it an old standing business; was the owner unable to meet his engagements with the encumbrancer?

I cannot say that it was owing to recent circumstances in that instance. The owner died, and it was necessary to put the receiver over it for other reasons.

6515. *Chairman.*] What estate are you speaking of now?

I am speaking of the estate in county Cork and Waterford, of 3,000 *l.* a-year.

6516. That is an estate which was put for sale in June 1881?

Yes.

6517. What happened at the sale?

There was only one lot sold, and the purchaser of that lot refused to complete his purchase in consequence of the anticipation of the Land Act coming into operation.

6518. In consequence of the Land Law Act he refused to complete the purchase?

He refused to complete the purchase, and it was thought unadvisable to force him to do so. It was thought that the judge would not force him to do so, under the circumstances.

6519. The property then remains for sale now?

Yes; there has been also another lot for which a private offer has been made since, and which offer would have been accepted; and we notified to the party making the offer that it would be accepted, but that it was right to call his attention to the fact that originating notices had been served by the tenants in the meantime, and on that he refused to carry out his proposal to purchase.

6520. Viscount *Hutchinson.*] Was there no bid for the whole estate?

It was put up in 14 lots.

6521. And only one lot was sold?

Only one lot was sold. I have all the biddings here, and the rental, and I can tell your Lordship exactly the facts.

6522. What was the highest bid you received?

For eight lots there was no bid at all. The one that was sold was sold at 1,900 *l.*, at a net rental of 96 *l.* 18 *s.* a year.

6523. That is 20 years' purchase; and what did the biddings that were refused amount to?

One lot with net rental of 84 *l.* 16 *s.* a year was adjourned at 1,200 *l.*; one at 152 *l.* was adjourned at 2,300 *l.*, and one at 201 *l.* was adjourned at 3,000 *l.*, one at 164 *l.* at 1,650 *l.*, and one at 96 *l.* at 1,000 *l.*

6524. They averaged about 15 years' purchase, I suppose?

Yes, I think so, or less; and we determined that we would ask the judge to adjourn them, unless they produced 18 to 20 years' purchase.

6525. Lord *Tyrone.*] Was that one purchase you mentioned, which was made in the Encumbered Estates Court, completed?

No, never completed; the tenant, was the party who bid the 1,900 *l.*

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he was the principal tenant; and in the other case it was also a tenant who made the offer.

6526. Viscount *Hutchinson.*] But the lot comprised more than his own holding, I suppose?
Yes.

6527. *Chairman.*] Now we will come to the county Limerick estate, if you please; is it situated near the city of Limerick?
Close to the city of Limerick; part of it is within the borough boundary.

6528. What is the acreage of it?
One hundred and thirty-two acres, two roods, twenty-four perches, let to tenants, and about 75 acres in the owner's own hands.

6529. And what is the number of tenants?
Forty-five.

6530. The holdings, then, are small, I suppose?
Most of them are very small indeed; they are market gardens.

6531. What is the rental of the portion in the hands of tenants?
The rental, as stated on the Landed Estates Court Conveyance, is 576 *l.* 17 *s.* 10 *d.*

6532. Was it bought in the Landed Estates Court?
It was bought in the Landed Estates Court by the owner.

6533. With respect to the portion in the owner's hands, what did it produce formerly?
The portion in the owner's hands produced about 400 *l.* a year; that is the lettings of meadow lands. I have here the accounts for some years back showing that it was from 300 *l.* to 400 *l.* a year.

6534. Then, what is the Government valuation of those two portions; the one you say let at 576 *l.*, what is the Government valuation for that?
£. 311. 15.

6535. And the portion producing 400 *l.*; what is the Government valuation for that?
£. 161.

6536. Whether these holdings are technically so or not, they are in the nature of town parks, I suppose?
They were always regarded so until it was decided otherwise by the Land Commission.

6537. You say they are market gardens; what is the produce generally?
Potatoes, cabbages, turnips, parsnips, onions, and various other vegetables.

6538. Is the land good land?
It is said to be the very best in Ireland. It has a great depth of soil.

6539. Has any standard of value been put by the Sub-Commissioners upon the land?
In one case there has; that is in the case of a tenant named Patrick Mullaley. They valued it at as nearly as possible 5 *l.* 16 *s.* 1 *d.* an Irish acre.

6540. What would that be in statute acres?
That would be about 3 *l.* 11 *s.* 8 *d.*, the statute acre.

6541. Marquess of *Abercorn.*] Is that a reduction upon the present rent?
Clearly.

6542. *Chairman.*] Is the land within the municipal boundary of the City of Limerick?
Some of it is, and pays city taxes.

6543. You say that the owner in 1877 bought in the property in the Landed Estates Court?
He did.

6544. Did he borrow a sum of money from you for the purpose?
He borrowed a sum of 9,000 *l.* from a client of mine at that time.

6545. To pay a part of the purchase money?
To pay sufficient money into court. I lodged it in court for the purpose of paying the incumbrances, and the sum of 18,000 *l.*, which appears in this conveyance from the Landed Estates Court, was named by the judge as the nominal consideration upon which to calculate the stamp duty. The minimum value of the estate, it may be called.

6546. At this time what was the total income?
£. 1,127 a year. That includes another property besides.

6547. What were the total outgoings?
The total outgoings were then about 706 *l.* a year. That includes the interest upon the 9,000 *l.* mortgage.

6548. That left a balance of what?
Of over 400 *l.* a year for the owner.

6549. Was that the income on which he subsisted?
I believe so. I may mention that in lending this 9,000 *l.* I placed reliance upon the Landed Estates Court conveyance as giving an indefeasible title to the rents scheduled in that very conveyance.

6550. And, I suppose, an advance of 9,000 *l.* on the property you have described, was considered to be advanced on very good security?
A first class security; I considered that I was lending only half the value of the estate.

6551. Viscount *Hutchinson.*] And that you had half margin?
Yes, I lent at 4½, or, rather, at 5½ per cent., reducible to 4½ on prompt payment, that is to say, on the usual terms.

6552. *Chairman.*] The property was afterward settled, was it not?
Yes, the owner afterwards married, and settled it, reserving a life estate to himself.

6553. There were some small advances on his life estate, were there not?
There was one by his then agent of 300 *l.*, and another by myself of 300 *l.* on his life estate, with a policy of insurance, in the year 1879, as I then considered that the estate was very ample security indeed for the advances upon it.

6554. Have the rents ever been raised upon this property?
I am informed by members of the family that they have never been raised, although the estate has been in the owner's family for generations. I have the receiver's accounts here as far back as 1869, which show that there has been no rise of rent, and the tenants admitted this on their cross-examination before the Sub-Commissioners.

6555. Subsequent to the commencement of the land agitation, was there any dispute with the tenants about the payment of rents?
Yes.

6556. What did that lead to?
The interest on my client's mortgage having run into arrear, I put pressure upon the owner to pay, and he had to put pressure upon his tenants to pay the rents; and in consequence of that pressure, last year when he came to advertise his meadow lands for letting as usual, they were "boycotted."

6557. That is the portion he kept in his own hands?
That is the portion he kept in his own hands. Those lands were "boycotted;" nobody was allowed to, and nobody did, attend the auction, and he could not get anybody to take the land as usual for the season's meadow. The consequence was that he had to get down men from Dublin who were employed through the agency of

of the emergency committee; in that way he cut the hay, saved it, and sold it, but at great disadvantage, and I have the accounts here to show that he netted only 130 *l.* for what he used to get 400 *l.*

6558. Have any of those tenants served originating notices?
Nearly all of them. I find that only eight have not served them.

6559. Viscount *Hutchinson.*] Out of about how many?
Forty-five.

6560. *Chairman.*] Have they been heard?
Yes; I mentioned, I think, that one case had been heard and decided, and an appeal heard also in respect of it.

6561. Have the other cases been heard by the Sub-Commission?
Thirty-four other cases were heard on the 12th of this month, and the decisions have not yet been given, though we have been expecting them from day to day, and therefore the table that I have to hand in in respect of them is incomplete in that respect at present. But, with the permission of the Committee, I will insert the decisions when they are pronounced.

6562. There was one case of a man called Mullaley, was there not?
Yes.

6563. That was heard last November?
That man's case was heard last November.

6564. What was the extent of the holding?
Three roods Irish; 1 acre 34 perches English.

6565. We will take the English measure, 1 acre 34 perches, at a rent of what?
He paid a rent of 6 *l.* 1 *s.* 4 *d.*, and it was reduced to 4 *l.* 10 *s.*

6566. Is that the case in which the Sub-Commissioners decided that it was not a town park?
It is.

6567. They held that this statute acre at a rent of 6 *l.* 1 *s.* 4 *d.* was an agricultural holding?
They held that it was an agricultural holding, and that it was not a town park.

6568. And they fixed a judicial rent of 4 *l.* 10 *s*?
They fixed the judicial rent at 4 *l.* 10 *s.*; the tenant appealed against that on the amount of the rent fixed.

6569. The tenant was not satisfied with the 4 *l.* 10 *s.*?
The tenant was not satisfied with that, and the landlord also appealed upon the town park question.

6570. What was the result?
The original decision of the Sub-Commissioners was upheld in both cases.

6571. Both appeals failed?
Both appeals failed.

6572. Viscount *Hutchinson.*] That was chosen, as a test case, was it not?
That was a test case, but the tenants have since declined to abide by the decision on the ground of value, although they have of course acquiesced in it on the ground of the town park.

6573. It was decided on agreement between landlord and tenant, that it should be a test case?
There was no binding agreement, and the other tenants now allege that they only meant it as a test case on the question of town park.

6574. Is this particular farm closer to the town than any other, or was it merely selected at random?

Merely selected at random. I believe they are all as close as can be.

6575. *Chairman.*] Supposing the scale of value to be adhered to in the other cases, what will the result be on the margin of 414 *l.*?

The result will be that the rents will be reduced to 395 *l.* a year. [*Note.*—The decisions since given have reduced the rents to 348 *l.* 4 *s.* a year. *See* Table in Appendix.]

6576. Reduced by 395 *l.*?

No, reduced from 576 *l.* to 395 *l.*; but that is exclusive of 14 Irish acres which have been taken up from one of the tenants, part of the lands about which the proceedings were taken that I mentioned before; and those 14 acres are also "boycotted," no one will take them; and the receiver under the Court is now obliged to have them sown or planted in some way, and has great difficulty in getting even horses to be allowed to plough the land; therefore we fear that they will produce very little indeed.

6577. Practically, the greater part of the margin of 400 *l.* will be swept away?

I have an account here showing that it is more than swept away; that there is a deficiency of 100 *l.* a year, according to the present state of affairs.

6578. Who would that deficiency fall upon?

It must fall upon the encumbrancers, of course.

6579. What is become of the owner?

He has gone to Canada, having abandoned all hope of getting anything out of the estate, and left it in my hands as solicitor for the encumbrancer.

6580. He has virtually abandoned the property to the encumbrancer?

Virtually.

6581. Earl of *Pembroke and Montgomery.*] Had this rent of 6 *l.* 1 *s.* 4 *d.* in the test case been paid without any complaint for a great number of years?

Yes; as well as all the other rents on the estate.

6582. Marquess of *Abercorn.*] In the conversion of a town park into an agricultural holding, there is a condition also, is there not, that the tenancy becomes a tenancy for 15 years?

Yes.

6583. Whereas, before there was no tenant-right, and you could evict the tenant, and let the holding to some one else?

Yes; our contention was two-fold; first of all, that it was a town park, and, secondly, if not held to be a town park, but held to be a market garden, it was not an agricultural holding within the meaning of the Land Law Act.

6584. Lord *Brabourne.*] Is there any legal definition of a town park?

There is a definition in the Act itself. Section 58, Sub-section 2.

6585. Do you know what it is?

There are two or three requisites for a town park; one is that it must be in close neighbourhood to a town, thereby bearing an increased value; we complied with that. Another requisite is, that the tenant of it must live within the town or the suburbs thereof; and the chief ground of the decision in our case was that the tenant lived upon the holding. The Act defines that the man must live either in the town or the suburbs of the town. Our contention was, that although the man lived on the holding, it was in the suburbs of the town. The Commissioners held that that would not do, because the meaning must be a man who lives in the town, and has a piece of land for his accommodation, somewhere outside the town.

6586. If the land was inside the heart of the town, and the tenant lived outside, would that be a town park?

That would be rather the converse of a town park. I do not know how that might be decided.

6587. Marquess of *Salisbury.*] If that is a case of legal construction, has any effort been made to take it up to the Superior Court of Appeal?

No,

No, it has not been thought worth while to do it. The agent wrote to me only the other day to say, that he had thought it ought to have been done, but it has not been thought worth while to do it. The Chief Commission having decided that it is not a town park, we consider that their decision, probably, could not be reversed.

6588. Lord *Tyrone.*] I suppose the question of expense was a serious consideration with regard to a property of this description?
Certainly, and the expenses are serious, very serious. We had to take down special counsel the other day to Limerick upon that case, and that expense, of course, must all fall upon the encumbrancers now, for the owner is nowhere.

6589. Have you still got time to appeal to the Superior Court?
No.

6590. You are too late?
We are too late in the test case.

6591. Earl of *Pembroke and Montgomery.*] I want to ask you one more question about this test case: Were the tenant's improvements upon the holding of any great value?
I do not think there were any improvements there whatever.

6592. Then the reduction from 6 *l.* to 4 *l.* 10 *s.* was clearly an arbitrary reduction?
Clearly; I am not aware that there were any improvements alleged whatever.

6593. Lord *Tyrone.*] Was any question raised as to these town parks, as to whether it was specified in any written agreement that they were town parks?
None of the tenants have written agreements, they are all yearly tenants.

6594. Did the Chief Commissioners state that it was necessary under the Act in order to prove that it was a town park, that there should be a written agreement to that effect?
I do not think so.

6595. Lord *Brabourne.*] Did I understand you that the Commissioners determined that a piece of land was or was not to be held to be a town park, not upon the ground of its position, but upon the ground of where the tenant resided?
I understand that the chief ground of the decision was, that because the man himself lived upon the land, it would not be called a town park; that a town park meant accommodation land, and the land upon which a man lived could not be called accommodation land.

6596. Supposing that the man ceased to live there, would it become a town park?
That was exactly the argument of our counsel.

6597. *Chairman.*] Does the Act of Parliament say anything about a man living on it?
It does not; but one of the essentials is that a man must live in the town or the suburbs thereof. We argued that this was in the suburbs, but the Commission held that the meaning of that was that he should live somewhere else than on the land, and that the land should be an accommodation to him for some purpose.

6598. So that if there were two of these holdings, and the owner of one of them lived upon the other, and the owner of the other lived upon the first, they might both be town parks?
To be sure; if it rested alone upon that, that absurdity would arise.

6599. Were there any other grounds for their decision but that?
There were other grounds for their decision. They considered that these men were really living out of the land; that is, that their livelihood was chiefly derived from the profits they made out of this land, and that the meaning of

town parks must be accommodation land. A gentleman, for instance, who resides in the town may have a field outside to graze his cows on, but they held that it was never intended to apply to tenants who derived part of their subsistence out of the very land itself. I believe that consideration entered into their decision.

6600. Lord *Brabourne.*] Would that apply to market gardens also, supposing a man lived upon market gardens and got his living out of them?

They would hold so, clearly; we argued that if not town parks, at all events they were not agricultural holdings within the meaning of the Act, and were therefore exempted from its operation under the 58th Section, Sub-section 1.

6601. Was not the decision of the Sub-Commissioners this: that they were not town parks because they were not held as accommodation land, but were in every respect similar to agricultural holdings, only more valuable, because of their proximity to the town?

That was their decision.

6602. Lord *Tyrone.*] With regard to this first estate that you mentioned in the county Cork and Waterford, are you at all afraid that there is any danger of your margin being swept away?

We are quite prepared for a loss in consequence of this Act.

6603. *Chairman.*] What was the rental?

About 3,000 *l.* a year, and we fear from the decisions which have already taken place, that it will be very materially reduced when the cases come on to be heard. There were 60 originating notices served on that estate, of which I have been given the charge by the receiver judge. Only one of those cases has appeared in the list, that was in last February in Cork. I went down myself appearing there on the Monday that it was listed for. I had a valuator engaged; I had counsel briefed; I stayed there Monday, Tuesday, and Wednesday, and on Wednesday afternoon the Commissioners stated that they had heard then as many cases as they would be able to visit farms, during the remaining days of that sitting; I consequently had to go back to Dublin without having had the case heard, after incurring a very considerable expense, I suppose it might be estimated at at least 30 *l.*; that case is again listed for July next at Cork, when I shall have to go through the same operation. I hope it may be heard then; and I may mention while I am upon that, that one great reason of delay in these cases is, that the farms are not grouped together by the Sub-Commissioners, but they hear cases relating to farms in different parts of the county; and what they did on that occasion (and I believe it is their pretty general practice) was on Monday, Tuesday, and Wednesday to hear cases in Court; on Thursday and Friday they visited the farms, and on Saturday they give their judgments. On Thursday and Friday the farms they had to visit were at such distances apart, some of them as much as 20 miles asunder, I am told, that they found they could not visit more than about the 12 farms they had heard evidence upon on the Monday, Tuesday, and Wednesday out of the 45 cases listed.

6604. Viscount *Hutchinson.*] Did they give judgment in all those cases on Saturday?

That I cannot say; I did not remain. I left Cork immediately the Commissioners announced that they would go no further.

6605. Lord *Tyrone.*] Would you tell us what the margin is on this estate of 3,000 *l.* a year at Waterford?

There is no margin.

6606. *Chairman.*] £. 50,000 at 4 or 4½ per cent.?

It is 6 per cent. reducible to 5 per cent. on 35,000 *l.*, which, with arrears, now amounts to 50,000 *l.*

6607. Five per cent. we will say?

There is no margin whatever, for there are other encumbrancers behind my client.

6608. You

6608. You are first?
We are first.

6609. With regard to your encumbrance, what is the margin?
There are other encumbrances coming between some of my charges on that estate.

6610. £. 2,250 is required to pay your interest, and the rental is 3,000 *l.*?
Over 2,000 *l.*

6611. If 25 per cent. is taken off that what is left?
But there is a 20,000 *l.* charge for the younger children of the late owner.

6612. In front of yours?
Not in front, but in the middle. I have two charges.

6613. In the middle of the 50,000 *l.*?
Yes. I have an assignment of old family charges on the estate to the extent of 18,000 *l.*, which, with interest thereon, come first. Then comes the charge for younger children of 20,000 *l.*; then the balance of my client's charge, amounting to 17,000 *l.* with interest, so that we must have a loss.

6614. Lord *Tyrone.*] There will be a serious loss to the mortgagee, will there not?
We apprehend that there must be some loss, and there will be nothing for the subsequent mortgagees.

6615. *Chairman.*] It is quite clear that there must have been a deficiency always; there was no good security for 70,000 *l.* on an estate of 3,000 *l.* a year?
If necessary, I can explain that. The charge originally was 35,000 *l.* and arrears of interest brought it up to 50,000 *l.* The interest was allowed to run into arrear, pending the proceedings for sale, to enable the late owner's widow and children to receive their jointure and interest out of the estate in priority to us. That was allowed at a time when it was considered that the estate would be of full value. Since the land agitation commenced it has been proved that that was a fallacious idea, and that we shall lose in consequence. We should not have lost only for that.

6616. Marquess of *Salisbury.*] When did that system of delay begin; in what year?
I think somewhere about seven years ago.

6617. Lord *Tyrone.*] Do you think that there are a large number of landlords in Ireland whose margins will be swept away if these reductions go on?
I have no doubt of it; a very large number, such as the unfortunate owner of this Limerick estate.

6618. He was always in a bad way, was he not?
He had 400 *l.* a year.

6619. *Chairman.*] Which do you refer to?
The owner of the Limerick estate; he had a clear 400 *l.* a year, and now, calculating the penal rate of interest, and notwithstanding that an annuity of 43 *l.* a year has since dropped, it is shown that the estate is really 100 *l.* a year deficient to pay the charges.

6620. Lord *Tyrone.*] As I understand, you think there will be a large number of landlords in Ireland reduced to the same straits?
There is no doubt whatever about it. I hear many of my professional brethren complaining of having clients in a similar state.

6621. Do you think that the reductions have increased lately, or that they are about the same.
I think they are about the same.

The Witness is directed to withdraw.

MR. S. N. HUTCHINS, is called in, and Examined; as follows:

6622. *Chairman.*] You are a landowner, I believe, in the counties of Cork, Cavan, and Westmeath?
Yes.

6623. And a grand juror and magistrate for the county Cork?
Yes.

6624. You act as receiver over some estates in the Court of Chancery, I believe?
Over several estates.

6625. And you have had considerable experience in farming?
A good deal

6626. I believe you are one of those whose fortune or misfortune it is to be under the protection of the police in Ireland?
I am, when in the country, but I am living in Dublin.

6627. How did that come to pass?
I was fired at two years ago near Drimoleague, in the county Cork.

6628. Had you had any differences with your tenants?
No.

6629. What do you suppose led to this outrage?
The Land League agitation was very rife at that time. There were Land League meetings being held in that part of the county; one meeting was held the day after in Bantry, and I attribute it to the agitation.

6630. Lord *Tyrone.*] Was there anybody arrested?
No one.

6631. Viscount *Hutchinson.*] You do not know of any particular reason why you should have been attacked?
No, I do not.

6632. Lord *Tyrone.*] It was a man dressed as a woman, was it not, that fired at you?
No, he was not dressed as a woman.

6633. It was so reported, I think?
It was so reported.

6634. *Chairman.*] When did you succeed to the estate you have in county Cork?
In September 1880.

6635. But you have managed it for some time longer than that, have you not?
Yes.

6636. For how long?
From the year 1867.

6637. Some part of your estate has been under the decisions of the Sub-Commissioners; whereabouts is that in the county Cork?
Near Charleville.

6638. That is, I believe, a district where they farm a good deal for dairies?
Yes, they are rich lands, suitable for dairy farms.

6639. What is the extent of your property there?
There is something over 1,000 acres; 1,016 statute acres.

6640. How many tenants?
Eighteen.

6641. And

6641. And what is the rental?
The rental is 2,055 *l.*

6642. The Government valuation, I believe, is 1,109 *l.*?
£. 1,109.

6643. And that estate has been in your family for a long time?
For a long time; since 1794.

6644. According to the memorandum I have, in the year 1824 the rental was 1,770 *l.*; is that so?
Something about that.

6645. And in 1842 it had risen to 2,342 *l.*?
Yes.

6646. And was again reduced in 1848?
It was reduced in the bad times, in the famine years.

6647. As you have stated, the rental is now 2,055 *l.*?
It is.

6648. Before the commencement of the agitation of which you have spoken, had there ever been any dispute with the tenants?
Never on that part.

6649. Had you any occasion to take proceedings against them?
No.

6650. The rents were punctually paid, were they?
Very punctually paid.

6651. An abatement was made in 1880, was it not?
Yes.

6652. Was that on account of the badness of the year?
Yes.

6653. Do you say that it was made, or only demanded?
It was made. There was an excessive abatement demanded, which I refused; but I afterwards made them an abatement of 15 per cent. on the half-year's rent.

6654. What has been the custom with regard to improvements as to buildings?
Slate, lime, and timber were always given when the tenant would build a good house.

6655. A slated house?
A slated house; and allowance was also given for drains and fences.

6656. How many cases have been heard by the Sub-Commissioners?
Eight cases.

6657. When were they heard?
In April.

6658. There were listed for hearing in January, were they not?
They were listed for hearing in January.

6659. But they were not heard in January?
In January they were not reached.

6660. Have you a list of the rents that were fixed?
I have. There is a list with the old rents, the Government valuation, and the judicial rent.

(*The Document is handed in.*)

6661. Viscount *Hutchinson.*] This is entirely on the Charleville property?
Entirely on the Charleville property.

6662. *Chairman.*] This table shows the old rents, the Government valuation, and the total, 1,294 *l.*; the Government valuation is 708 *l.* and the judicial rent 995 *l.*?
Yes.

6663. What per-centage of reduction is that?
Twenty-three per cent.

6664. Under the Act of Parliament, would the fact that they were dairy farms make any difference?
It would exclude them from the Act if they were dairy farms.

6665. Does the Act exclude dairy farms by name?
It excludes farms that are let mainly for pasture. Those are the words of the Act.

6666. Did you make the case that these were dairy farms?
I did.

6667. On what ground?
On the ground that the tenants were restricted from tilling more than two acres in 20.

6668. They were allowed to till two acres in 20?
They were allowed to till two acres in 20.

6669. Was that for the sort of produce that they would require to consume themselves?
Yes, for potatoes and oats.

6670. What was to become of those two acres; was there to be a rotation of crops upon them?
Yes, generally half of that was for potatoes, and the next year they grew a crop of oats upon it.

6671. Then, did the Sub-commissioners hold that notwithstanding that, they were not dairy farms?
Yes.

6672. Was there any appeal upon that?
I am appealing.

6673. Upon that point also, as well as upon the question of value?
I am appealing upon both points.

6674. Viscount *Hutchinson.*] Are there written agreements with those tenants as to the two acres out of 20?
No, there was no written agreement. I was not agent when the lands were let to them, but when they wished to change their tillage from one field to another, they always applied to me for leave.

6675. And, of course, if your conditions were infringed, you had your legal remedy, and that was the only way in which you could enforce the agreement?
Yes.

6676. *Chairman.*] Were you present at the inspection of the farms by the Commissioners?
I was.

6677. What was the amount of land they inspected when you were there?
Something over 600 acres.

6678. How long did it take them to do that?
About six hours.

6679. One hundred acres an hour.
Yes.

6680. Did that time enable them to make any examination of the soil?
No; they tested the soil in two places only. They walked over the lands.

6681. Did

6681. Did you produce valuators?
I produced one valuator.

6682. Who valued for the tenants?
Tenant farmers of the neighbourhood.

6683. Neighbours?
Neighbours.

6684. Was your valuer a man from the neighbourhood, or not?
No, he was not. I did not like to ask a neighbour to value for me. I got Mr. Cox, from Limerick, to value for me.

6685. In the present state of matters in Ireland, do you think a local valuer can be depended upon or not?
I would not like to put him in the position of valuing.

6686. The total rental, I think, you said was 2,055 *l.*?
Yes.

6687. What are the outgoings?
Since these notes were made, I have made a more accurate table, and I find the outgoings, including interest on incumbrances and expenses of management, come to 1,265 *l.* 12 *s.*

6688. Leaving a balance of how much?
£. 789.

6689. A reduction at the rate of 23 per cent. would take 460 *l.* off that, would it not?
Yes.

6690. That would leave a remnant of what?
That would leave a remnant of 328 *l.*

6691. So that the margin on which the owner has now to live, of 789 *l.* a year, would be reduced to 328 *l.*?
It would.

6692. Lord *Tyrone.*] Do you think that the effect of the recent legislation upon the tenants in Ireland has been bad?
I think so.

6693. Had you any quarrel with your tenants at all before the agitation commenced?
I had no evictions or occasion to institute law proceedings for any purpose on this property; I had only three evictions on the whole estate, including that in County Cork, the number of tenants being 167.

6694. Lord *Brabourne.*] Three evictions during what time?
Since 1867.

6695. Lord *Tyrone.*] Were all the rents punctually paid?
Very punctually paid. There was only a loss on bad debts written off of 200 *l.* on the whole property. The whole estate is about 5,000 *l.* a year.

6696. Is there much arrear of rent upon the property?
There is a considerable arrear upon the property, but on these rents that have been adjudicated upon there is only an arrear of 242 *l.* up to last September.

6697. Do you think that this Arrears Bill has had the effect of stopping the payment of rent?
It has. The tenants are making an excuse to wait for the Arrears Bill; that is many tenants that can pay.

6698. Have they refused to pay you?
Yes. I have abstained from trying to get any rents until this Arrears Bill is passed.

6699. On the other property that you alluded to, may I ask if there are charges upon that too?
There are.

6700. And do you anticipate that the margin will be much decreased if the tenants go into court?
Very much decreased.

6701. Have any of the tenants gone into court there?
Yes, a great many.

6702. Have any decisions been given?
No decisions on the other part of the property have been given yet.

6703. If decisions are given upon the principle, as that upon which they have been given upon other properties, you anticipate that the margin will be materially decreased?
Very much so.

6704. And I suppose that your opinion is that most properties in Ireland are more or less mortgaged?
Yes, a great many.

6705. And that if these decisions go on, a great number of landlords will be ruined?
I should say so.

6706. Viscount *Hutchinson.*] I see on the Charleville property the average size of a farm is something between 50 and 60 acres?
There are 18 tenants and they hold 1,016 acres.

6707. That makes about 57 acres to each farm?
Yes.

6708. What is the average valuation of each farm or the Government valuation per acre?
Per English acre, it seems to be about 1 *l.* The 1,016 acres are valued at 1,109 *l.*, that is about 1 *l.* an acre.

6709. Then you have not very many tenants, in fact; you have hardly any tenants there, I suppose, whose valuation is less than 30 *l.* for the whole farm?
Very few.

6710. And you have certain arrears on the property, as you told us just now, which you think have been caused to a great extent by the Arrears Bill being introduced?
I do not think it has had much effect upon this property; this is pretty well paid up.

6711. I understood you to say that it had?
No, I was alluding to the other portion of the estate.

6712. At Berehaven, I suppose, on that proportion of the property the holdings are very small?
They are. The poor law valuation upon that property is much less. The highest, I think, is 25 *l.*; there is one large farm of 108 *l.* valuation, but the rest are all under 30 *l.*, I think.

6713. And there it would be natural, of course, that the Arrears Bill should have some effect?
It will have a great effect upon that property.

6714. But you do not find that it extends to those whose holdings are above 30 *l.* valuation?
Not much.

6715. There is no sort of idea that the limit may be removed, or anything of that sort?
That has not come before me.

The Witness is directed to withdraw.

Mr. W. G. GUBBINS, is called in; and Examined, as follows:

6716. *Chairman.*] You are well acquainted with land in Ireland, are you not?
Yes.

6717. You have been accustomed to value it?
Yes.

6718. In what part of the country?
I have been valuing in the County Cork; I have been valuing in the County Clare, and I have been extensively valuing in the County Limerick.

6719. Have you seen anything of the courts of the Sub-Commissioners; have you been attending before them?
Yes, I have been examined before them.

6720. You have been employed before them in valuing?
Yes, as the landlords' valuer I have been employed.

6721. Have you been attending the courts on their recent circuit?
Yes, I have been examined on some cases in Limerick.

6722. I should like to ask you with regard to the valuing of land in Ireland, to what extent does the price of produce enter as an element into your valuation?
In my calculations I have gone very carefully into the price of produce on an average of five years.

6723. You take the price of produce at an average of five years?
I take the price of produce at an average of five years, and I base my calculation to a certain extent upon that, also taking into account the effect of the importation of produce from America, which now, I may say, has fallen off very considerably.

6724. Will you explain what you mean by taking into account the price of American produce; the element of American produce will have a bearing on the price of the produce purchased in this country, you say?
Yes, in this way: some years ago the farming class in Ireland, before the passing of the Free Trade Act, thought that American produce would interfere very much with the value of the different articles of produce in Ireland, such as beef, butter, and pork. I might take the average of the prices for the last five years, and also take into account the effect that the American produce would have on its importation into this country; but I find it has a contrary effect, the last year.

6725. Marquess of *Salisbury.*] Do you mean last year or this year?
This year. The price of American produce this year is exceedingly high, and the price of Irish produce is also above the average of the five years, taking bacon, butter, and other articles, but excepting wool. Wool is very low indeed, but then that loss is made up in the high price of mutton, which has increased considerably; and beef also is very high. Beef at present is from 75 *s.* to 80 *s.* per cwt. I will give you the average prices for the last five years, which I have carefully calculated in detail. Salt butter, 70 *s.* per firkin of 70 lbs.; mild butter, 80 *s.* per firkin; bacon (pigs), 56 *s.* per cwt.; beef, from 60 *s.* to 75 *s.* per cwt.; mutton from 8 *d.* to 9 *d.* per lb.; oats, 10 *d.* per stone; barley, 1 *s.* per stone, and wheat about 1 *s.* 2 *d.* per stone. Wheat, of course, has not been at as high prices as it has been other years. I can give the prices of this year. I should say the different articles, such as beef, mutton, and pork, are from 15 to 20 per cent. higher than they were. That is in consequence of the falling off in the imports from America.

6726. Marquess of *Abercorn.*] Is not 10 *d.* per stone rather above the average for oats this year; it is the top price, is it not?

It is above the average. I have only taken my own side of the country. It is white oats that I have been speaking of; the price of black Tartary oats varies from 9 *d.* to 9½ *d.*; I am speaking of the heavy white oats; they are now 1 *s.*

6727. *Chairman.*] In making your valuations of land, do you take the price of produce on the average of five years, and consider the capacity of the land?

I certainly do; I think I am bound to do so to give the landlord the benefit of what I think the tenant ought to pay as a fair and equitable rent. Suppose I go and value a farm of 100 acres of fair quality of land; suppose that will carry 80 acres of grass, and the balance in tillage, then I make my calculation of the quantity of cattle that it would carry; suppose it will carry 40 dairy cows, then I base my calculation on the quantity of butter that those 40 cows will produce, and also the calves from them; I am speaking now of the ordinary prime land in the County Limerick.

6728. Earl of *Pembroke and Montgomery.*] When you have made your gross valuation like that, how do you arrive at what the landlord's share ought to be?

I make a calculation of what the cost of working 100 acres of land would be; then I make my calculation of what would be a fair and equitable amount to give to the tenant.

6729. Marquess of *Salisbury.*] What do you mean by a fair and equitable amount to give to the tenant?

Supposing a farm produces a gross of 300 *l.* a year, I think the tenant ought to have from 80 *l.* to 100 *l.* a year of that.

6730. That would be about two-sevenths?

Yes, about that; but then you must take the average years; he may not gross 300 *l.* a year, and then I think if he, the tenant, had 100 *l.* or 80 *l.* a year, it would be a very fair amount.

6731. How do you get at that amount; why do you say that a third, or two-sevenths, or a quarter, is the right share for the tenant to have of the gross produce of the land?

I calculate it on what a farm should carry, and what it should make gross, and then I take the working expenses, the rent and taxes.

6732. Lord *Brabourne.*] Is that the usual way of calculating amongst valuators in Ireland?

As far as my experience goes; I only go by my own experience.

6733. Marquess of *Salisbury.*] You calculate what a farm would carry; I suppose you mean by that what rent it should pay?

No; I mean what cattle it would carry, and what the produce of those cattle would be.

6734. That is the gross produce?

That is the gross produce.

6735. When you have got at the gross produce, why do you say that the tenant ought to have a third or a quarter, or two-sevenths of that gross produce?

I calculate that to a certain extent the tenant ought to have a working interest in the farm, and to have it at such a fair and equitable rent as to secure an equitable rent to the landlord also.

6736. But what makes you come to the conclusion that that proportion on a particular farm is a fair and equitable share?

The only conclusion I can arrive at is that a tenant ought to have a certain interest in the working of the land, and I arrive at it by my calculation.

6737. Admitting that he ought to have some interest, why should it be that particular interest?

Why should it be that particular interest of two-sevenths?

6738. Yes?
That is a question I do not go into.

6739. How did it get into your mind?
On the different valuations I have made of different farms, varying from five acres up to, perhaps, 100 or 150 acres.

6740. How did you first conceive the idea that he should have two-sevenths or a third?
I cannot say that I conceived it in any way. I put a fair rent first on the farm, say 50 *s.* or 40 *s.* an acre, which I look upon as being a fair and equitable Irish rent for the land (good land in the county Limerick is worth considerably more than that); then I calculate what that farm would carry.

6741. I am not in the least disputing the justice of your valuations (of which I have no doubt), but we have had considerable difficulty in ascertaining upon what principle the Sub-Commissioners act, and I thought that possibly, if I could ascertain the principle upon which you act in determining the value, that might give us some clue to the principle on which the Sub-Commissioners act?
How they go into the matter is a question I could not go into at all, my valuation is considerably over their decisions.

6742. Lord *Brabourne.*] With reference to what Lord Salisbury has just been saying, is it within your knowledge that the general class of valuators in Ireland take that particular fraction, and have that principle in view in valuing?
That is a question I could not possibly answer; we all value on different bases; at least a good many of us do.

6743. Do you mean to say that the valuators in Ireland have no common basis or common principle?
Decidedly; I never consult them upon my valuations.

6744. Have you found in converse with any other valuators that they have adopted something similar to the principle on which you have just told us you go?
No, I never consult them on my own valuation.

6745. Then you can only tell us the basis on which you yourself have acted, without any conversation with anybody, or any attempt at uniformity?
Exactly; I never consulted any valuer.

6746. Have you valued for landlords with regard to cases that were about to come into court, and in which tenants have served originating notices?
Yes.

6747. Have you ever met with any interruption in your valuations?
Quite the contrary; they gave me every facility.

6748. That is to say, the tenants gave you every facility?
Yes.

6749. Have you met their valuators upon the farm?
No, except in some cases where I have had an arbitration, then they went with me over the different properties.

6750. But, as a general rule, would the tenants who serve originating notices have a class of valuator very different from that to which you belong?
I think so; they are taken from the farming class.

6751. You bear out what we have heard in previous evidence, that the tenant's evidence is very often derived from a person who is in similar circumstances to himself, and is likely also to appear before the Court?
Quite so; they are connected with each other.

6752. Then you do not place implicit reliance upon that evidence?
Certainly not. The difference has been as high as 20 per cent. between us.

6753. You have not discovered any basis upon which those valuators have gone except the basis of desiring a reduction?
Quite so, and no other basis.

6754. Lord *Carysfort.*] As a general rule, do you consider the land has produced as much during the last five years as 20 years ago?
No, the climate is very much changed, and this year it is very doubtful at present as regards the produce. We have had very bad and severe weather in Ireland; it has been very wet and cold.

6755. *Chairman.*] Do you mean during the season we are in now?
Yes, the season we are in now.

6756. Lord *Brabourne.*] When you are valuing a farm, what have you done with regard to tenant's improvements; have you valued the holding and then deducted the improvements?
No, as a rule I generally value the tenant's improvements as near as I possibly can; I am not an architect, and I go as near as I can.

6757. What I mean to say is this: would you value a whole farm with the buildings upon it; at, say, 300 *l.* a year; then say how much are the buildings worth, and then deduct that, or would you value the land quite apart from the buildings separately?
In sending in my reports I always give a return of what improvement I consider has been made by the tenant, that is according to his own evidence and the landlord's evidence, which they give me. When I go to a tenant's farm he will say, "I have laid out so much on buildings; I have laid out so much on drainage," and then I ask the landlord is so-and-so a fact, and he says "It is; I have not given any allowance; the man has laid out that amount." I value the land as it stands, and the improvements on it, and give the tenant the benefit of those improvements.

6758. Have you found many improvements claimed which you did not think improvements?
Yes, a great many.

6759. Improvements that might possibly deteriorate the land?
Yes; for instance, a landlord in some cases has drained land, but by the tenant's clumsy farming and the way they cultivate the farm, the watercourses and drains have been allowed to choke up, and in many cases the landlord's drainage has had no effect, because the tenants did not keep their water-courses clear.

6760. When the land has been deteriorated by the tenant, what action has been taken by the Sub-Commissioners?
I have valued farms where land has been very much deteriorated by the tenants; for instance, by meadowing their land every year for years, and not putting any manure on it.

6761. What course have the Commissioners taken in that case; have they kept the rent high, or lowered it?
I think the Commissioners are very much inclined in a case of that kind, where the tenant has not worked his farm fairly, to lean a little to the landlord.

6762. It appears to me that there have been two conflicting statements before the Committee; one is that where a tenant has deteriorated his land the rent has not been lowered, but there has been rather a tendency to keep it where it was, so that he has suffered for the deterioration; and the other has been that the Sub-Commissioners have taken the land as they found it and have valued it as they found it?
Yes.

6763. Those statements appear to be rather conflicting, because, of course, if the tenant has deteriorated the land it would appear to be in a bad condition, and it would be valued as bad; which do you say is the fact?

I may

I may answer in this way: I know something of the value of land, and five years ago I valued it as being 5 *s.* to 7 *s.* 6 *d.* an acre better than when I valued it the last time, and that was in consequence of the bad cultivation and bad management of the tenant.

6764. How would that guide the Sub-Commissioners?

The Sub-Commissioners hear our evidence before the Court, and they then go and merely walk over the land in a very hurried way, and just look over it and value the land as they find it.

6765. With reference to that particular statement you have just made, was the 5 *s.* or 7 *s.* 6 *d.* per acre which the land has deteriorated deducted from the rent, or was it not?

I do not know. Supposing land was worth originally 30 *s.* an acre, or I considered that it was worth 30 *s.* an acre, they would very likely reduce it to 25 *s.* or 22 *s.* 6 *d.* an acre.

6766. Then, according to this, the loss on the deterioration of the farm by the tenant fell upon the landlord?

Decidedly it fell upon the landlord by the bad management of the farm in several cases.

6767. Then that negatives the idea that, so far as you know, the tenant was made to suffer for deterioration by not having his rent reduced on account thereof?

The landlord suffers.

6768. Marquess of *Abercorn.*] Is there not a danger that the tenant may deteriorate the land, so that at the end of 15 years he may get a further reduction of rent?

I think myself that a 15 years' tenancy is too short. That is a part of the Bill I do not approve of. I think the very same thing will have to be gone over again, perhaps at the end of 15 years. It is a great difficulty to combat the tenants' views upon it.

6769. Earl of *Pembroke and Montgomery.*] Who do you think will want to re-open the case at the end of 15 years, not the landlord, surely?

No, the tenant.

6770. Do you think the tenant will expect to get another reduction at the end of 15 years?

That is the feeling of a good many of them. I have gone over, I suppose, altogether 150 farms, small and large, and any reasonable reduction, I think, would not satisfy the tenants, or a great many of them.

6771. Lord *Brabourne.*] Do you think that the reductions that have been obtained have tended to the creation of a harmonious feeling between them and the landlords?

I do not think so. I will tell you a circumstance connected with that. There are some properties I know where reductions have been made, and where there were orders given to the tenants to have labourers' houses built upon them, and they have repudiated the orders of the Commissioners, and have not built the labourers' cottages, thinking that some new legislation will come on which will put them in a better position.

6772. Then you do not think that what has been done will prove a permanent settlement of the Land Question in Ireland?

Certainly not until the leaseholders are also dealt with. At every place I go to, where I have valued, and there is a leaseholder on the next bounds, he has said to me, "Mr. Gubbins, are you going to value my farm, because I consider the question cannot be settled until we are dealt with on the same terms as the non-leaseholder; here I am on this side of the ditch, the land is of the same quality, and the same class, and here is my neighbour getting a very good reduction, and still I have no chance of it." In fact, one man told me this: "We are a

great number of leaseholders on this property, and we will not allow the other people to pay their rent until we are dealt with ourselves."

6773. Then, suppose, if an intimation were given in Parliament that the leases would be dealt with, that would be more likely to prevent a settlement, and satisfaction, and quieting down?

I think myself, as far as my opinion goes, that in order to make the Land Act of a permanent character, and of a peaceful character, the question of lease must be dealt with. That is my opinion from what I know.

6774. You think, it having been announced that the question of leases will at all events be considered by the Government, is pretty certain to bring this about; that the land question in Ireland cannot be settled until the leases have been dealt with in one way or other?

You know we have had no opportunity yet of having rents paid that have been fixed by the Commissioners, and shall not for some time.

6775. Do you think they will be paid; perhaps you cannot form an opinion?

I am a large land agent; I am an agent for about 9,000 acres of land on which there are a large number of tenants; it is very hard to get rents in, and they have their land very moderate, but I do honestly believe that the land question will not be legitimately settled until the leasehold question is settled.

6776. Marquess of *Salisbury.*] Do you think it will be settled then?

As far as my opinion goes, it will.

6777. Lord *Brabourne.*] Have you not heard a good many tenants speaking of the happy time when they are to get their land for almost nothing?

But then you must take into account the present agitation in Ireland. These unfortunate men are hardly able to express an opinion, and a great many men are willing to pay their rent if allowed to do so.

6778. They are able to hold an opinion, are they not?

They hold very strong opinions.

6779. And having obtained very large reductions, they may desire to go further, may they not?

There are many who have been offered reductions by their landlords, and who have agreed almost to come to terms with their landlords, but have been obliged to back out of it in consequence of fear; the landlords were perfectly inclined to meet them fairly and give them a legitimate reduction.

6780. Do you mean that some hidden power behind deters them from making an agreement?

A very strong hidden power. Another matter which I think has caused a great deal of trouble amongst the landlords in our country is the question of the Arrears Bill. That has upset the probability of getting any rents.

6781. *Chairman.*] Has the tendency of that Bill had any effect on the payment of rent?

Decidedly; very great.

6782. In what way?

Small tenants say, "We will not pay any rent until we see how the Arrears Bill results."

6783. Do you say that the payment of rent is stopped?

The payment of rent is stopped. I can show you a letter which I have in my pocket now, stating that the tenant would not pay me anything beyond Griffith's valuation until the Arrears Bill was settled.

6784. Viscount *Hutchinson.*] Have you that in black and white.

I have a great deal more than that in it, black and white. This letter is written from a nice part of the country, that is near where those two men were murdered recently. It is written on "Tuesday, June 27th 1882. Honour Sir,—In reply to your

your letter which I received on yesterday, the tennants have told me to say that they will meet you in Ennis next Thursday, and Pay you as much as the can afford. Please say by return of Post if you will meet them." This is a tenant who holds from eight to ten acres, and he has it very cheap. He owes two years' rent now, and some of them owe two-and-a-half years' rent.

6785. Viscount *Hutchinson.*] He does not say in that letter that he is not going to pay you until the Arrears Bill is settled?

He told me that. I went the other day to meet him, and I met 15 of them also. I said to them, "I will take 1 *l.*, 5 *l.*, or any money you give me;" and they came out and put some money on the table. I gave them an accountable receipt, "Received from So-and-so the sum of 3 *l.* on account of the rent and arrears of rent due to a certain date;" and when they read the receipt they gave it back to me, and said, "Oh, sir, that is not what we want at all; we want you to give us a receipt for the amount of the valuation of our several farms," that is, Griffiths' valuation, which I would not do. Then this man said to me, "Well, sir, if you will not do that we will pay you nothing until the Arrears Bill is settled."

6786. Lord *Brabourne.*] Is that in County Clare?

That is in County Clare.

6787. Is it worse in County Clare than in the other counties?

Yes, some parts of Clare. There is another thing connected with the Arrears Bill which is very important, and that is the difficulty of knowing who is able to pay and who is not. Many of the farmers have money in the bank, and will try and take advantage of the Arrears Bill, although they are very well able to pay.

6788. Marquess of *Salisbury.*] Would it be possible to prove that they are able to pay?

It is not possible; they will sell their cattle off, and pay the shopkeepers, when you press for the rent.

6789. Are most of the tenants under 30 *l.* valuation in arrear?

Yes, and a great many of the tenants over 30 *l.* valuation are in arrear. I think some of the larger farmers are very heavily in arrears.

6790. Lord *Tyrone.*] With regard to your valuation, and the method of valuation which you were describing just now, do you arrive at a conclusion as to what to give to the tenant by putting on a valuation such as would make him comfortable, and, in the words of Judge O'Hagan, enable him to live and thrive upon his farm?

No. I first calculate what I think the farm could pay as a fair and equitable rent, giving the landlord all he has a right to get, which is a just and honest rent, where the produce of that farm would yield a return, if properly worked, which would allow the landlord a fair rent, and the tenant a fair profit out of his working, and out of the cultivation of his farm after paying for labour and outgoings.

6791. Is not that exactly what I tried to explain; you give the landlord a fair rent, and leave a sufficient margin to enable the tenant to "live and thrive" upon his holding?

Yes, perfectly.

6792. Is not that the way you arrive at your calculation?

In every farm I have valued I have done that. At the same time my valuation has not come up to the meaning, or the wishes, of the Sub-Commissioners.

6793. What was your allowance to tenants, two-sevenths?

I do not say that exactly, it might be two-sevenths.

6794. In putting it at two-sevenths, that is allowing him, in your idea, a sufficient margin to enable him to "live and thrive?"

To enable him to "live;" I do not say it would give him an opportunity of living on the property comfortably.

6795. You would not wish a tenant merely to have an existence, but would wish him to be comfortable, I suppose?
Precisely.

6796. Marquess of *Abercorn.*] Supposing the value of the farm to be 7 *l.* a year, would two-sevenths of that enable him to "live and thrive"?
No, of course not on small farms.

6797. Earl of *Pembroke and Montgomery.*] You mean two-sevenths after all the expenses are taken out?
That is not the calculation, certainly.

6798. Lord *Tyrone.*] You have had a good deal of experience in the management of property, I suppose; I think I understood you to say so?
Yes, I am an agent.

6799. And do you consider that a great number of estates are mortgaged in Ireland?
Fortunately, one of the estates I manage is not mortgaged, but as a rule the estates are heavily mortgaged, and have jointures on them.

6800. There are heavy charges on them.
Yes.

6801. Do you think if the reductions go on that the margin is likely to be swept away?
I think the landlords will have very little after paying the charges and jointures on the property. In one case a rental of 450 *l.* a year was reduced by arbitration to 285 *l.* There is a jointure on that property of 100 *l.* a year, and there is the interest on 1,000 *l.* besides, so that the landlord would not have more than 75 *l.* a year out of a property of 450 *l.*, taking the reduction, the interest on money, and the annuities.

6802. He would have 75 *l.* a year left to live upon?
He would have 75 *l.* a year left to live upon.

6803. Provided that he could collect it?
Provided that he could collect it.

6804. And do you think that there are many such cases?
A great many.

6805. Therefore those landlords will be absolutely ruined?
They will be absolutely ruined from present legislation.

6806. And what will happen to their estates?
I could not anticipate what would come of their estates; you cannot sell property in Ireland at present. The mortgagees will have to take them up and try to work them for the interest of the money by a receiver under the Courts.

6807. Do you anticipate that not only will the owners be ruined, but that the mortgagees will probably have a great loss?
Indeed they will. Some of them, if they even get half the interest money out of their mortgages, will be fortunate.

6808. Upon properties, I suppose, which up to the passing of the Land Act were good security for the money which was advanced?
Yes, very good. At one time you would not get more than 4 or 4¼ per cent. on real estate in Ireland.

6809. Was that within the last three or four years?
That was about ten years ago. On one property the trustees lent, for my daughter, 1,200 *l.* at 4½ per cent. on mortgage, and I expect that she would not

not now get out of that 700 *l.*; the landlord has not paid any interest on that mortgage for a year and a-half.

6810. You think that, supposing that landlord is sold up, as he may possibly be, that your daughter would not be likely to get a little more than half her mortgage on the property?
Yes, I think so. He has not got anything himself on that particular property at present, and he has not been able to pay interest on the mortgage.

6811. Therefore it is not only a serious matter for the landlords, but for those who have lent money upon the security of the estate?
A very serious matter. There is a case in point, dealing with my own daughter, and jointures are even of a more difficult character, because jointures very often come after mortgages. Supposing that an estate is mortgaged for 5,000 *l.* or 10,000 *l.*, then the eldest son may get married, make a settlement and charge that property with perhaps 400 *l.* or 500 *l.* a year as a jointure, and the mortgagees would have to be paid before the jointure was paid; but until those two questions are settled, which I went into very carefully (the Arrears Bill and the leaseholders), I think the rents in Ireland will not be paid even as well as you anticipate.

6812. Do you consider that there is any likelihood of this agitation coming to an end?
I do not think there is any present prospect of it, and I do believe, from the opportunity I have of going through the country, that we will very likely have a worse winter than we had last winter; that is, a more disturbed winter than we had last winter. I have been obliged myself to have police protection.

6813. You are under police protection?
I am, and when I go out collecting rents I am not allowed to go without the police protection, and about my house I have police protection.

6814. Do you consider that the way in which agitation has been given way to has made the country people worse?
Decidedly, they have got everything their own way; when one thing is done, they say it is perfectly clear that we can go on with impunity, and commit another crime to-morrow.

6815. If, as you say, the way the agitation has been given way to has made them worse, do not you think it will make them still worse if they are given way to upon the two points you have specified?
I thought what you alluded to was the government of the country, as regards the protection of the country.

6816. I am talking about the Land Act?
Then those two questions, I think, will have a very great effect; that is the Arrears Bill and the leasehold question.

6817. Viscount *Hutchinson.*] In fact, you believe that the Irish tenant farmers will not be satisfied with any settlement of the land question which does not include those points?
I do.

6818. And you believe that if once those points were settled agitation would cease?
I think to a certain extent it would, and that the country would quiet down by degrees.

6819. As I understand, you think that this is a land agitation purely?
I do think so; and if these two questions were settled, I think in a few years the value of land in Ireland would rise.

6820. Earl of *Pembroke and Montgomery.*] Are most of the leases of very long duration?
No, not on an average. Some of them are only 10, 15, 26, and 31 years. I think, as a general rule, the longest existing leases are under 31 years.

6821. So that the lease question is one which is settling itself every day?
It is, but then it might take 25 or 30 years before all the leases were out.

6822. Lord *Tyrone.*] I think I understood you to say that the judicial rents fixed have not been paid?
None that I know of. The Commissioners have been at work only six or eight months.

6823. We have had evidence before us that the rents, when asked for since they have been fixed, have been refused?
I am not aware of anything of that kind; I am not aware of the fact.

6824. Do you anticipate that the tenants will cheerfully pay the judicial rents?
I am afraid not.

6825. Then how can you imagine that the settling of the arrears question and the lease question will make them more contented?
I think I have answered that question before in this way: I explained that the leaseholder, when living in the same locality with a non-leaseholder, will agitate for the making of the non-leaseholder withhold payment until the question is settled.

6826. But does not the agitation still remain amongst those who have judicial rent settled; you have just said that they will refuse to pay them?
That is my belief, until the leaseholders are settled with.

6827. Marquess of *Abercorn.*] You think it is due to joint action between them and the leaseholders?
That is my opinion.

6828. Are the leaseholds usually higher let than the farms not on lease?
As a rule I think the leaseholders hold on better terms than the farmers that have not leases, for this reason: for the farms that had not leases there was such competition a few years ago among the farmers to get the land, that they used to pay a heavy sum of money to get into those farms for the sake of occupation; they used, in fact, to buy the land and borrow the money; and then, of course, when the landlord saw that, he very often put up the rent. When he saw the tenant was able to pay a large sum for getting into possession, the landlord said, "I think I ought to have a share in this."

6829. The leaseholds are usually the best farms, and occupied by the best farmers, are they not?
As a rule they are, no doubt. On one estate that I was valuing, my instructions were to value the leaseholders the same as the non-leaseholders, and to give them the benefit of the valuation. That was a mutual valuation, and not one made for the purpose of going into Court.

Adjourned.

# *Die Veneris, 7° Julii*, 1882.

## LORDS PRESENT:

Duke of SOMERSET.
Marquess of SALISBURY.
Marquess of ABERCORN.
Earl STANHOPE.
Viscount HUTCHINSON.
Lord TYRONE.
Lord KENRY.
Lord BRABOURNE.

LORD TYRONE, IN THE CHAIR.

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COLONEL JOHN O'CALLAGHAN, is called in; and Examined, as follows:

6830. *Chairman.*] YOU are a Colonel in the Clare Militia, are you not?
Lieutenant Colonel, not Colonel Commandant.

6831. You farm how many acres of land?
Something over 600 English acres, I believe.

6832. How many acres Irish?
About 400 Irish, that is including wood and waste.

6833. Have you received your own rents?
Since the year 1853; that is since I left the service.

6834. Your estate is situated in the county Clare, is it not:
In the county Clare.

6835. How much of it is let to tenants?
The larger portion.

6836. I think you were speaking just now of what you farm yourself?
Yes, that is Irish acres; that would be about 600 English acres, or a little over.

6837. How much of your estate is let to tenants; is it 4,500 acres?
I think so; that is taken from the Domesday Book.

6838. The Government valuation is how much?
£.1,498.

6839. And what is the rental?
The rental is 2,815 *l.* 9 *s.* 9 *d.*

6840. What size are the holdings?
The holdings in the mountain districts are small; they vary from 10 to 20 and 25 acres, and there are a few larger.

6841. How many tenants are there?
I think somewhere about 119; that would be tenancies; a few have been consolidated on the originating notices.

6842. Has the estate been long in your family?
For a great many years; it is an old estate.

6843. Is the present rental much the same as the rental before the famine?
It is; my father was a very popular man in the county, and my lettings are considered

considered just about the same as his. I have a newspaper report here of Mr. Reeves' observations upon the subject, and I can read it to you presently.

6844. I do not think that will be necessary?
In the observations he made when giving the verdict, he implied that it appeared that the rental was just about the same as in the famine years.

6845. What is the reduction that has been made?
About one-third; this sheet will show it exactly. (*The document is handed in,* vide *Appendix.*)

6846. Have you allowed tenants to cut turbary on the estate?
On nearly all the estate there is turbary, and they have had in most places the unrestricted right of cutting.

6847. Have they been allowed to sell?
They have in many places.

6848. Is that a valuable right in that part of the country?
It is a valuable right, and turbary is increasing in value every day; though there is a great deal of bog in that part of the country, still it is increasing in value.

6849. Is there any probability of their cutting out the bog if you allow this to continue?
In one townland it is very nearly cut out, and the Commissioners asked me if I would extend the right of turbary over another property, and I said I would to the extent of sufficient for each tenant wherever his turbary was cut out, for the purpose of giving him turbary for his own use, but not for sale, because the right was abused on this particular townland, where they cut it for sale, and the bog is nearly all exhausted, as heretofore stated.

6850. Have you ever given any assistance to build upon your estate?
No, it is not the general custom in my county. I think the only estate upon which that has been done is Lord Leconfield's.

6851. Have the rents been punctually paid?
I had not any trouble up to the agitation and bad harvest of 1879, except with one man who holds under lease, and he has always been a defaulter.

6852. Was there any intimidation upon the estate when the bad times began?
Yes, great intimidation. They put up threatening notices where the larger portion of my property is situated, and they threatened the tenants with death, and sent them rough, rude sketches of coffins, and all that sort of thing, to deter them from paying their rents unless they got a reduction of 25 per cent.

6853. Did they pay?
No, they did not pay then; I did not feel inclined to give the reduction in consequence of the threat that was put up. Had I really believed that they were in the state of poverty that they then were I would have taken it into consideration, as I afterwards did as soon as I ascertained that they were in that state, but I was not to be driven to do it.

6854. Have they begun to pay their rent again lately?
Only I may say at the point of the bayonet, when served with writs. I have given very large abatements since then.

6855. How many of the 119 tenants have served you with originating notices?
I think very nearly all.

6856. Have many of the cases been tried?
Twenty-seven.

6857. And do those cases fairly represent the rest of the property?
They are about the average; there are some lands better as to which the cases have

have not been tried, and there are some mountain lands that are worse; but I should say that those represent about the average.

6858. Where were these cases tried?
They were tried at Killaloe.

6859. Did the tenants suggest that they would abide by arbitration?
Yes; they thought, I suppose, that they would get better off by it, and were rather anxious for it. When I went to Killaloe I looked round to see whether there was any gentleman who would arbitrate for me, and I named one gentleman, a Mr. Blood, a young man very much skilled in land; he was selected by me, and the tenants selected their man. It so happened that a case came on for hearing in which Mr. Blood's valuation was put a few shillings higher than that of the tenant's valuator, who was a Mr. Purcell, of the neighbourhood; Mr. Purcell thought that he would not be able to agree with Mr. Blood on my property; Mr. Purcell then refused to act with Mr. Blood, and, in my absence, they named Mr. Peter Griffin, of Limerick, as arbitrator in the place of Mr. Blood, subject to my approval. When I got to Limerick the next day, my solicitor telegraphed to me, and I called upon Mr. Griffin, and Mr. Griffin stated his inability to attend to accept the position, inasmuch as he had been valuing extensively other properties, and could not attend to mine for two months. The arbitration ultimately fell through. I appointed another arbitrator, a Mr. Studdert, and Mr. Purcell would not work with him, and the tenants would not agree; they wanted, in fact, to have the appointment of their own arbitrator, and of my arbitrator, and of the umpire. They were most unreasonable.

6860. The arbitration ultimately fell through?
The arbitration ultimately fell through after a huge correspondence.

6861. And the 27 cases were heard?
They were afterwards heard; they were first of all listed for the 27th of March, and they were afterwards heard by the Sub-Commissioners at Killaloe on the 5th of June.

6862. What class of valuers did the tenants call in?
I should say a generally very inferior class.

6863. Were they farmers themselves?
I believe they were.

6864. From your knowledge of the estate, do you think the reductions are unreasonable?
I think they are unreasonable. They have gone below my father's lettings and below my lettings, the rents of which were so punctually paid. They have gone down from 2 *l.* an acre in the good land to 1 *l.* 5 *s.*, and even below it in some instances; and there was one case in the mountain of a man whose lease recently expired and whose rent was never raised, and they have put his below the valuation.

6865. Marquess of *Salisbury.*] When you say 1 *l.* 5 *s.* an acre, do you mean an English acre or an Irish acre?
I speak of the Irish acre.

6866. *Chairman.*] You said just now, I think, that the rents were much about the same as they were before the famine years?
Yes.

6867. I understand from what you say that if the decisions go on over the whole estate, they will be put 33 per cent. below what they were before the famine?
Yes.

6868. Are there many outgoings on the estate?
Huge outgoings. I have another paper here which will show what the outgoings are.

6869. How much do they amount to?

The outgoings on this property would amount to 1,332 *l.* odd, and the valuation is, I think, 1,498 *l.* 7 *s.*

6870. What margin would it leave at present?
Somewhere about 500 *l.*, I think, supposing that the one-third were taken off.

6871. Have you appealed in those cases?
I have not appealed. My attorney told me that the costs would be all put against me, and he advised me not to appeal—the expense would be very great; neither had I a valuer for the same reason.

6872. Have you proceeded against any of your tenants?
I proceeded against one on this property, the very man who is always a defaulter. I put him out, took a half-year's rent, and let him back again.

6873. Was he, in your opinion, able to pay?
He was a poor man; he paid me a half year's rent, and that still left a considerable arrear. There is a tenant whom I have put out who was well able to pay; he was a tenant on a property I purchased in 1878, and which adjoined my own domain; this man was quite well able to pay; he was offered an abatement even on the rental. I never raised the rent on any tenant on that property, nor had the slightest intention of doing it, but thinking that his land was relatively higher let than that of the other tenants, I offered him an abatement, which he did not accept. I offered to take up the worst part of his farm even, and leave him the good part at a valuation, but he would not accept this offer, and I put him out, and from that time I was boycotted.

6874. Have you been seriously inconvenienced by boycotting?
I have been greatly inconvenienced.

6875. Have your servants left you?
They are the only people who remained loyal; they were all Roman Catholics that remained. I had 50 or 60 labourers employed, some of them under the Board of Works' arrangement, and they all went.

6876. How have you been able to get labourers?
The boycotting cooled down. I got some emergency men to assist me, and one of my herdsmen remained, who happened to be an Orangeman, but the labourers all left, and very few of them came back, except some of the old ones; they came back some three or four months afterwards by degrees, but I was very slow to take them back, I need not tell you.

6877. Were you very much annoyed by this boycotting?
I was greatly harassed; so much so that we were obliged to go to the post ourselves; contemplating the boycotting, I was obliged to lay in provisions prior to serving the notices, and all necessaries in the shape of flour, groceries, and things of that kind. As I was farming myself, I was able to kill the meat that we required.

6878. Are your tenants much in arrear?
A good deal in arrear.

6879. How will the Arrears Bill affect you, should it pass?
So far as I have read about it, it appears that one year is to be paid by the Government on the faith of the tenant paying another year.

6880. Marquess of *Salisbury.*] The tenant is to pay first one year?
The tenant is to pay first one year; that is the way I read it, and then on the tenant showing a clear receipt, the Government will pay the other.

6881. The Government will pay one year, if it does not amount to more than half the remaining arrears?
Quite so.

6882. *Chairman.*] Will that be a benefit to you?
I think it will be a benefit to me.

6883. Do you think that you will get money that you would not otherwise be able to get?
No doubt I will. I think it will be of use to the poorer class of tenants.

6884. What

6884. What effect do you think it will have upon small landlords throughout the country?

I think it will have a great effect upon the small landlords throughout the country.

6885. You think it will be advantageous to them?

In that way I do. At the same time, I think it is a most demoralisiog Bill.

6886. Marquess of *Salisbury.*] What do you mean by demoralising?

I think it is a premium for people to run into debt. I think they will agitate again a few years hence; I have no doubt in the world that they will do so.

6887. You mean, if they find the Government pay their debts, because they have made themselves disagreeable, they will make themselves disagreeable again?

I have no doubt that they will. It is the general impression of all honest men. I cannot help telling you so, though perhaps I ought not to have said so.

6888. *Chairman.*] I suppose you are aware of the position of a great number of your friends who are small landlords in Ireland?

I am. I may call myself a small landlord paying those outgoings.

6889. Are you aware whether many of them have been reduced on something like the same scale?

They have been reduced. I fancy some of them have been reduced even to a heavier extent than I have.

6890. What do you anticipate as the result of this reduction?

We anticipate that it will be utter ruin to some. To those men who have very large families, and who are paying large outgoings and family charges in respect of which they are receiving no abatement, it will be a most serious thing, I need not tell your Lordships.

6891. Do you think there will be a large number of landlords in Ireland who will be absolutely ruined if these reductions go on?

I am quite certain of it. I do not hesitate to tell you so; this Land Bill is running a coach and four through everything.

6892. Will they be forced to sell their properties at a very large loss?

Ultimately, I fear, they will.

6893. Marquess of *Salisbury.*] Can you sell land at all now in Ireland?

Property is at present unsaleable. You may possibly ask me how I have been able to pay these outgoings. I have had credit at the Provincial Bank, and it is through that credit that I have been able to meet my outgoings up to this time.

6894. *Chairman.*] But if you have had credit at the Provincial Bank and had to pay these charges that you have to pay, how are you going to pay back to the bank the amount of their advances out of what you would receive under the Arrears Bill?

I suppose I will be able, if I get any money out of the Arrears Bill, to pay back some of my debt to the bank. I cannot tell yet what I may be able to do.

6895. But do you anticipate that you will be able to clear off all your charges if the Arrears Bill passes?

I hope I will.

6896. Lord *Brabourne.*] You do not anticipate that the Government will interfere by legislation with the debts of the landlord *quâ* mortgagees and so on, in the same way that it proposes to interfere to pay the debts of the tenants *quâ* arrears?

I do not anticipate it; of course it would be a great boon if they would take up some of these charges at a reduced rate of interest.

 6897. Perhaps

6897. Perhaps you do not see any reason why they should not pay the debts of one class as well as the debts of another?

It is a very great hardship to us landlords to be treated as we are.

6898. Your rents were not complained of before the Land Act passed, I think, you said?

I think, relatively to the land all round me, my rental was possibly a little higher, but the rents were paid promptly up to 1879.

6899. Supposing there to have been no Land Court instituted, do you anticipate that you would have received and obtained the same rents from tenants as you had before?

I am quite certain that I would; I have given very large abatements since 1879; I have given them what they have asked; they asked for 25 per cent., and I have given as much as 30, 35, and in the mountain districts 40 per cent. to 50 per cent.; I do not blame the tenants at all; it is the political agitators who have ruined the country.

6900. From your possibility of getting rents you have had eliminated the element of competition, have you not?

Yes; there have been three or four instances on my estate that I could enumerate where very large sums have been paid to the outgoing tenants. They came and asked me if I would allow it to be done, and I said, "It is not the custom on my estate, but if you arrange it between yourselves I will wink at it;" and there were very large fines paid; and in two instances I put on a stiffer rent, because I wanted them to sell to the adjoining tenant, and not to let a stranger come in. I said, "If you come in there you will have to pay me 1 *l.* a year extra," and that did not stop them; they paid a large fine to the outgoing tenant, and in two cases, in the mountain, they paid me, I believe, 1 *l.* a year additional.

6901. I suppose that your tenants would have considerable value in their farms, in the shape of tenant right, at the present moment?

They would. There is a paper here that I can leave with your Lordships, if you wish me to do so, that will show the tenant right of the 27 cases heard.

6902. You allowed the arrears to accumulate partly, I suppose, from the fact of knowing that the tenant had that valuable right in the farm?

I had no arrear up to 1879; no hanging gale existed on my property. I will tell you what I did; in the famine years I was in the service, and my guardians advised me to forgive the arrears; I did so; and they amounted to 5,800 *l.* I gave also a per-centage reduction of 25 per cent., and afterwards they got a valuation.

6903. Will you read out to us what the charges are upon this estate, if you have no objection to do so?

I pay on a mortgage to the Westropp trustees 382 *l.* 10 *s.*; head rent on another portion (Miltown), 182 *l.* 6 *s.* 2 *d.* Another head rent, 69 *l.* 3 *s.* 7 *d.* My mother's jointure, 369 *l.* 4 *s.* 8 *d.*; a small mortgage to my sister, 25 *l.*; quit and Crown rent, 17 *l.* odd; tithe rent-charge, 64 *l.* 7 *s.* 5 *d.*; drainage charge, 22 *l.* 12 *s.*

6904. Is that drainage money which you have laid out in improving the property?

No, I have not included that in my charges at all. This is what they call arterial drainage.

6905. That surely is improving the property?

It is improving the property, but strange to say the tenants have not made any sub-drains into it.

6906. Surely it was done with a view of improving the property?

Clearly so, but they have not taken advantage of it.

6907. That may be, but the money was laid out on your account with a view of improving the property?

It was.

6908. Is

6908. Is there anything else?
Income tax and poor rate amount to about 200 *l.*

6909. And those are the charges that you have to meet before you receive any rent at all?
Those are charges that must be met, sink or swim, and from which no abatement can be got.

6910. Duke of *Somerset.*] You said that your labourers left you, I think?
I did; that was after the boycotting, and before the eviction. It was after my serving notices myself on four tenants towards the close of 1880.

6911. What became of those men who left you, what did they do?
They went to work; they did not seem to starve; they had worked for me, some of them for years and years, and were part of my permanent staff. And some of them were people I had taken in under the Board of Works drainage scheme.

6912. They went to work for other people?
They went to work for other people. I do not know what became of them really.

6913. Had you any that emigrated?
There has been a good deal of emigration going on all through Ireland, particularly the south and west.

6914. From your neighbourhood?
Yes.

6915. Have they been tenants or labourers who have emigrated?
Tenants' sons, principally, and I think a good deal of the bone and sinew has been going out of the country.

6916. Marquess of *Abercorn.*] Do you find the best men generally going?
No doubt that is so as a rule. It is about 30 years since I left the army, and I have been my own agent ever since, and know a good deal of the working of these things.

6917. *Chairman.*] Did the Sub-Commissioners inspect these holdings?
Yes, two of them did; I was present.

6918. Did they give the holdidgs a good inspection?
I must say for the two Sub-Commissioners, Captain McCausland and Mr. O'Keefe, who visited my property, that they made a most painstaking examination, notwithstanding that they and I differ as to the value. There seems to be one glorious rule of reducing the rents generally, more or less, as the case may be; but I was astonished that on the good lands let by my father at 2 *l.* an acre they went so low as they did, going down even to 1 *l.* 5 *s.*, and below it on the average.

6919. Did they fix the tenant right?
They fixed the tenant right, and I will leave the newspaper here which shows the cases listed. I brought it with me. It is the "Limerick Chronicle," and I will leave it with your Lordships; but the Commissioners certainly made a most painstaking examination of my property. I was with them two days, and when they seemed to have any doubt, they went back. Of course I stood away, and did not see them tabulating or listen to what they were saying, but they certainly seemed to examine things very closely. I know nothing about their capabilities as to valuing land, and do not know anything about their antecedents.

6920. Were the farmers with them when they were valuing the land?
They would only allow each tenant on his own holding, and I think they did so very properly, and that they were quite right in that.

6921. Did they value it in good weather?
Fairly good weather. One day was a very fine day; the next day was showery.

6922. Viscount *Hutchinson.*] It was not weather bad enough to obviate their coming to a fair decision?

I think there was nothing in the world to prevent their coming to a fair decision.

6923. Marquess of *Salisbury.*] When you say the tenant was allowed to be with them on his own farm, was he allowed to speak to them and give evidence with respect to it?

Certainly.

6924. And were not you allowed to give evidence at the same time?

Well I was, but I did not choose to give evidence. I thought I might only make matters worse. If there was any doubt about the boundary I used to point it out, as I know the bounds pretty well myself. I left the tenants pretty well in every instance to do that, but I used to show them the outer boundary of the adjoining landlord.

6925. Did you hear all that the tenants said to them?

I heard the tenants in a great many cases pointing out their improvements, such as showing where they made a drain. The Sub-Commissioners asked if the drains were working, and they sometimes would go to the outlet, but in most of these cases the tenants' drains are very shallow; they are not made the depth that they ought to be made.

6926. Did you point that out to the Commissioners?

I did not.

6927. Why did you not?

I did not converse with them much at all.

6928. Then the tenant's case was represented and yours was not?

I have just answered your Lordship that I did not speak very much with them at all.

6929. Viscount *Hutchinson.*] You thought the place to bring forward your facts was in court, I suppose?

The attorney argued for me in court entirely.

6930. Marquess of *Salisbury.*] What motive had you in a reticence which must have been injurious to your interests?

To tell you the truth it did not occur to me at the time. I thought myself, and I do think so still, that the tenants' cases are much more believed than the landlords, judging from the sweeping reductions that they have made everywhere.

6931. Viscount *Hutchinson.*] You were saying that the tenant pointed out drains that he had made, and that the Commissioners went to the outlet occasionally and examined?

They did, to the best of my recollection.

6932. Did a case ever happen upon your land where they took a little more pains to verify the drain than that; instead of going to the outlet, did they cause a drain to be opened in the field, or anything of that sort?

No, I did not see them open up any drain in the field, but I saw them occasionally dig the soil.

6933. In order to test the soil?

In order to test the soil.

6934 But not for the purpose of finding out the drain or anything of that sort?

No; I saw them in many places test the soil.

6935. We have heard that it is possible to make an outlet without making a drain?

Quite so.

6936. That has not occurred to you personally?

No.

The Witness is directed to withdraw.

Captain BAPTIST JOHNSTON BARTON, is called in; and Examined, as follows:

6937. *Chairman.*] I BELIEVE you are the owner of an estate, and have been since 1851; is that the case?
Yes, in the County Donegal.

6938. Was this estate in Chancery before you came into it?
No; my father died in the year 1851; I was then only about three years old; I then became a Ward of Chancery.

6939. And when did you take possession of the estate?
In the year 1869; the year I came of age.

6940. You have a home farm of your own?
Yes.

6941. How large is that?
Taking the rough and the smooth land in it, it is about 240 acres, I think.

6942. You have worked that yourself?
For about 10 years.

6943. I suppose you thoroughly understand farming?
I think so.

6944. Your estate in Donegal is how many acres?
It is 8,200 acres.

6945. What is the rental?
The rental is 1,434*l.* some shillings.

6946. What is the valuation?
The valuation of the part let to tenants is 1,114 *l.*

6947. Viscount *Hutchinson.*] The whole figure you gave us in gross just now includes your own farm?
It does, and waste mountains, which are not let at all.

6948. What are they used for; common pasture?
There is turbary on them; the tenants now wish to get possession of them for their own purposes.

6949. I suppose they have had the run of them for a great number of years, or the use of them?
No, they have not; in certain townlands they have had the use of them, and in several others they have paid a nominal sum for the use of them, a shilling a head, or something of that sort.

6950. *Chairman.*] There is no stint upon these mountains?
No.

6951. You do not limit them to any specified number of sheep or cattle?
No, certainly not.

6952. Marquess of *Abercorn.*] What is your nearest market town?
I am near the village of Milford, where there is a fair. I am about eight miles from that. I am in a very remote place about 12 miles from Ramelton; the nearest town of any note is Londonderry, that is about 25 miles off.

6953. *Chairman.*] The tenants then hold the mountain in common, do they?
It is not the same all over the estate; in certain mountain lands they have them, and have been allowed to graze them. In other parts of the estate I have

have held the mountains myself, and put a small charge upon them, but my own opinion is that they run their cattle upon them without paying.

6954. Are the majority of the holdings large or small?
Very small.

6955. What is the number of tenants?
Three hundred and nineteen.

6956. Was there any change made in the class of holding at any time?
I cannot speak from my own knowledge, because it happened before I was born. About 40 years ago my father had a survey made of the estate. The houses were all in clusters and small villages, and they held the land in rundale, a piece of the high land and a piece of the low land, and so on. At that time the farms were squared, and I believe the tenants cast lots for the new farms and went to live in them, and have been there ever since. That was in the year 1844, nearly 40 years ago.

6957. There has been no increase in the rental since that date, has there?
Yes, there was an increase on some of the holdings about seven years ago.

6958. Did you employ a valuator?
Yes.

6959. Who was it that you employed?
A Mr. Hamill was employed about the year 1871.

6960. Was he a good valuer?
He was said to be a good valuer; he had valued for the late Lord Leitrim and other people, I believe, in my neighbourhood. It was Mr. Sweeney, my agent, who recommended him to me. Mr. Sweeney is now a valuator under the Land Commission Appeal Court.

6961. Viscount *Hutchinson.*] Is he your agent still?
He has only got the appointment recently, but I presume he is still my agent; he is acting for me at present.

6962. *Chairman.*] What is Mr. Hamill's valuation?
£. 1,674. It was something over 1,800 *l.*, including my own farm.

6963. What is it in the tenants' hands?
£. 1,674.

6964. Lord *Brabourne.*] That you raised?
It was about 1,250 *l.*; I have not got the figures, but it was about that before the last rise.

6965. *Chairman.*] Did you enforce the valuation in every case?
No.

6966. Is the present rental much below Mr. Hamill's valuation?
I think it is about 17 per cent. below it.

6967. Are there rights of turbary on the property?
Yes; they all have the right to cut turf on paying so much, some 1 *s.*, some 2 *s.* 6 *d.* and 3 *s.* 6 *d.*, and so on.

6968. Is it a nominal charge?
You may call it a nominal sum; it is very small. It varies from 1 *s.* up to 5 *s.*

6969. Is there tenant right on the property?
Yes.

6970. Is it limited or not?
No, we have never put any limit on it.

6971. What did it average?

Generally

Generally from 12 to 14 or 15 years' purchase; perhaps a little more. The smaller holdings sold higher than the larger ones.

6972. Was there ever any difficulty in getting a purchaser at that rate?
There have not been many sales, but I always found that they got purchasers when they wanted to dispose of their holdings.

6973. Has there been much arrears of rent?
Yes, during the last three or four years.

6974. Is there a good deal of arrears at present?
Not including the last year (of which I have no account yet), there are nearly 1,300 *l.* That has nearly all accrued during the last four years.

6975. £1,300 on a rental of 1,400 *l.*
Yes.

6976. Then there is nearly a year's rental due?
Nearly a year's rental. Of course there is more now because this last has been a badly paying year, too.

6977. Is that divided among all the tenants, or do some of the tenants owe two or three years?
Some owe nothing at all, and some owe four years. Some have not paid any rent all that time.

6978. Are they chiefly the smaller tenants who owe the most?
The smaller tenants owe the most.

6979. What proportion of them owe three and four years' rent?
A good many of them.

6980. How will the Arrears Bill affect you, should it pass?
According to a rough calculation that I have made, I think I will lose about two-thirds of my arrears. I think I will get about one-third, because, from those who owe a year's rent, I shall only get half-a-year's rent, and from those who owe four years, I shall only get one and lose three; therefore, in many cases, I should lose three-fourths.

6981. How do you make out that if a man owes four years' rent, you will lose three?
Because I can only get one year according to the Bill.

6982. You would get one year from the tenant?
These arrears are over and above that. I am not considering this last year at all; I do not speak of that.

6983. But you probably have not received your rent during the last year, have you?
I have not got a shilling myself, but I believe there has been some got to pay the outgoings or charges. I have not received any money for a year out of my rents, to May and November 1881, I have not got a shilling of that.

6984. Do you think you could recover these arrears if the Act were not passed?
I am certain I could recover more of them than the Act will give me, I am quite certain of that.

6985. Therefore you think the Act would injure you?
Yes; I would rather take my chance. If you will allow me to make a remark upon that, the way the Act will injure me is this: those tenants who are hopelessly in arrear, and from whom I could recover nothing, would not be able to pay the year's rent required to qualify them for the operation of the Act, and, therefore, the Act will give them no relief; and those who have something will pay, and so get the benefit of the Act; and from those men I consider that I could have taken the money in the process of time.

6986. Have many originating notices been served?
About 70, or close upon 70, were served.

6987. How many cases have been heard?
Only four have been decided upon as yet; 15 cases were listed.

6988. Would you hand in a table, showing the results of those cases that have been decided?
I have drawn out a small table of those four cases. (*The Document is handed in*, vide *Appendix*.)

6989. What has been the reduction on those four cases?
The reduction has been 28 per cent. on the four cases. This table includes the Government valuation, the valuation made by Mr. Hamill in 1871, and the valuation made by Mr. Nolan this year for the purposes of the court (that is for my defence), the old rent and the judicial rent.

6990. Marquess of *Abercorn*.] Are the reductions below the Government valuation?
In three cases out of four they are below it. In the other case they are a few shillings above, but I think they always go pretty near the Government valuation.

6991. *Chairman*.] You mentioned that there were 15 cases listed, what happened to the other 11?
All these parties came to me to try to settle before they went into court.

6992. Did the four that went into court come to you to settle?
I did not settle with them; they seemed to prefer going on, thinking that they would get more by going into court. They simply made a formal offer of a settlement, and then went away.

6993. What did the 11 do?
I came to terms with the 11.

6994. You made a settlement out of court with them?
I did make a settlement out ot court as far as I was concerned.

6995. And did they sign statutory terms upon your settlement?
No.

6996. But they agreed with you as to a settlement?
They did.

6997. And in consequence of that did you withdraw the cases?
The cases were simply struck out.

6998. Struck out as settled?
Yes, struck out as settled.

6999. May I ask you why, if you agreed with your tenants, you did not get them to sign statutory terms and lodge them?
I was under the impression that in these cases which had been listed for the court when the Commissioners came round, the amounts which we had agreed upon would be declared to the court. It appeared it was not so; the cases were simply struck out. Then I got the agreements prepared, but the tenants were unwilling to sign them, because the tenants who had gone into court had got better terms than they themselves had got from me.

7000. They have backed out you mean?
They have not said so, but they would not sign the agreement; I have the agreements lying ready for them with the parish priest, who I thought would be a good person to witness them, and these men who were listed for that particular court will not sign them at all, I understand.

7001. Lord *Brabourne*.] Had you agreed with them for a reduction?
Yes, a considerable reduction; but I said also in dealing with them, that if they came to a settlement with me amicably I would take the year's rent then accrued at the reduced rate, though according to the law the agreement would not come into force for another year. They paid some rent at the reduced rate, got the receipts, and then wished for further reduction.

7002. Viscount *Hutchinson.*] May I ask you what the terms of your arrangement were; I presume that they were not as much as 28 per cent. reduction?

No, they were not as much as that. I think those I settled with were probably about 20 per cent. reduction; I cannot tell you accurately, but I think it was about that.

7003. *Chairman.*] Had the tenants made much improvement upon the property?

I do not think so; they swore to a good many improvements, but I do not think they were made.

7004. Could you see any signs of improvement?

No, I have never observed any improvement.

7005. What class of evidence did the tenants give?

The tenants themselves and their sons in some cases; their families gave evidence as to value, and they produced witnesses who stated that they had valued holdings; they were men unknown to me, or most of them; they were publicans, and people of that kind.

7006. Did the tenants themselves state what the fair letting value of their holdings was?

Yes, they all did. In the first case that was heard, a man called Reid, whose rent was 40 *l.* 6 *s.* 10 *d.*, and who had been paying that since the old valuation of 1844 at all events, swore that his land was worth only 17 *l.* 10 *s.*; his valuator swore that it was worth rather more, and my valuator put something higher than the old rent.

7007. What did the Sub-Commissioners do?

They took 25 per cent. off, and made it 30 *l.* 10 *s.*

7008. Was there any other case of the same description?

There was another case of widow Deeny; that is an extensive holding of 40 or 50 acres, and the old rent was 9 *l.* 10 *s.*; the tenant swore that that farm was worth 5 *l.*, and the valuator swore the same, and the Commissioners made the rent 7 *l.* The poor law valuation was 6 *l.* 10 *s.* In another case the old rent was 8 *l.* 15 *s.*, and the tenant said in that case that that would give about 3 *l.* or 3 *l.* 10 *s.* I believe in that case, either that or the next, the tenant said that the farm was practically worth nothing at all to a person to live upon, but he supposed that he would not get it for that; that was the expression he used.

7009. Were you able to prove that he kept a certain amount of sheep or cattle, or stock upon it?

In some of the cases I could prove that only upon their own admission. I had no evidence upon that. There was a mountain of some hundreds of acres attached to one of the townlands, and the tenant was examined as to that, and his stock on it. He first of all said that the grazing was of no value; then, on cross-examination, he said he had stock on it; and that at present he had about 40 head of sheep on the two farms and about 9 or 10 head of cattle. One of the Commissioners asked him, "How many months of the year are you able to graze and keep these cattle on the mountain?" he looked at him for a moment, and then the question was repeated, and then he said, "Oh, we have no other place to put them; we keep them there altogether." It appears that he had the arable ground all cropped, and kept the stock on the hill.

7010. Did he admit that that was of any value to him?

It was before this that he had denied that it was of any value whatsoever; then he had to admit that it fed the whole stock of the townland. In that case the rent was reduced from 8 *l.* 15 *s.* to 5 *l.* 5 *s.*, which is somewhat below the poor law valuation.

7011. I understand from you that the tenants you settled with have now refused to pay the agreed rent as between you and them?
"Neglected" is more the word than "refused," because refusing implies an interview, and there has not been anything of the kind.

7012. Do you expect that they will refuse?
I expect that a good many of them will refuse.

7013. Then they will again go into court?
I am quite sure they will if they can make anything of it.

7014. You gave a substantial reduction to those who made the settlement with you?
I thought I had given them a good deal, but the Commissioners gave more. Those tenants thought I had given a great deal, too, at first.

7015. What was your reason for coming to an arrangement out of court with those tenants?
I had several reasons: one was, that I was afraid of the costs if I had to employ valuators and defend all those cases. They would cost me 4 *l.* or 5 *l.* a piece, and it would come to a large sum of money, going over the whole estate. Another reason was, that I knew that there was no use in kicking against the wall, and that my rents would be reduced, whether I fought them or whether I did not. I knew how they stood with regard to the poor law valuation, and I thought that there was no use making a fight about nothing.

7016. You do not consider that they were too high, do you?
No, but according to the new standard they are.

7017. Marquess of *Salisbury.*] You had the impression that the Commissioners would reduce certainly to the poor law valuation?
I have read the newspapers almost daily since the Commissioners began the working of the Act, and that is the judgment I have formed.

7018. You think that is the only rule they act upon?
I think it is one of their chief rules.

7019. Have you any notion of the process other than that by which they proceed?
I think they depend upon any skill they have themselves in going upon the land. I do not think they attend much to evidence. The evidence is very conflicting generally.

7020. *Chairman.*] Did you not find it very difficult to fight these cases; as you told us just now you had not received a shilling of rent for so long a time?
I am very badly off for money to fight them. I would not have got the means to fight them all.

7021. Marquess of *Salisbury.*] Is the expense very large?
I have not got the bill. I was unable to get it from my attorney. He was away at the quarter sessions, or I should have had it with me. In large holdings I am told that it is trifling, but in small holdings it would be a year's rent, probably, in each case. My valuer would charge 2 *l.* 2 *s.* every time he goes on a farm for me; the tenant will get the same thing done for 5 *s.*

7022. Viscount *Hutchinson.*] By a neighbour?
There are some people who have taken up this sort of business now, and who go about the country and do it.

7023. Marquess of *Salisbury.*] A landlord's cheap valuator does not exist?
No, I never heard of one.

7024. *Chairman.*] May I ask you whether it is easy for a landlord to get a valuator of any sort?
It is very hard to get anyone at all; if these professional men are disengaged you could get them, but such a man as values for the tenants would not come to us at all.

7025. Do you think it would be dangerous for a tenant farmer to value for you if you were to ask him?

If a person of a friendly feeling was disposed to do it, I should not like to put him in that position; I think the people might visit it upon him again, either in his property or person.

7026. Viscount *Hutchinson.*] How do you suppose the 70 tenants who went into Court made arrangements as to their costs?

I talked to some of them about it at different times. Some of them said they had paid in advance; others said they had paid nothing. It seems to be according to what attorneys they went to. Some attorneys trust to getting it when they get the reduction. Others told me they had to pay 10 *s.* "in hand," as they called it, before their cases were taken up, but I do not know how they will ultimately settle about costs. I could not tell you that.

7027. Did you ever hear of an attorney arranging to conduct a certain number of tenants' cases for a certain sum; that is, to divide the costs between them?

I do not think I have heard that spoken of in connection with this question. I know that it is a common thing, under the old Land Act of 1871, in cases where there was an increase of rent likely to be made upon an estate, some person would go round and collect a lot of money, and give it in a lump to the attorney to defend them.

7028. Was it for the district or town land?

Yes, just a levy of that kind. I have not known that done in connection with this Bill, though it may have been done.

7029. *Chairman.*] What effect do you think the passing of the Land Act of 1881 has had upon the state of the country; do you think it has improved it?

I do not think it has had any effect upon it at all, so far as I can see. I think the tenants are just as unwilling to pay the low rents as they were to pay the high ones.

7030. Do you think it has given the tenants an impression that they have only to hold on to get further concessions?

I think it has given them that impression, that the more they ask for the more they will get.

7031. Do you believe that they think they will get their land for nothing?

I believe the class of persons I live amongst in some out-of-the-way parts think that they will get rid of us in a short time.

7032. Marquess of *Abercorn.*] Do you think that it has improved or that it will improve the relations between landlords and tenants?

I think the litigation is always making it worse.

7033. *Chairman.*] Is your estate charged?

It is. It is heavily encumbered.

7034. Have you got a list of the encumbrances?

I have not, but I have a memorandum of them.

7035. Tithe instalments?

£. 84. 14 *s.* 8 *d.*

7036. Quit rent?

£. 18.

7037. Poor rates?

Poor rates about 70 *l.* Of course they vary.

7038. Agent's fees?

Over 70 *l.*

7039. Bailiff's salary?

Bailiff's salary and estate management amounts to 30 *l.*, and that is a low estimate.

7040. Mortgages and family charges?
I pay 600 *l.* on a mortgage and charge to my sisters.

7041. And the whole of them together makes up how much?
It comes to 872 *l.* 14 *s.* 8 *d.*

7042. That, out of a rental of 1,434 *l.*, leaves 559 *l.*?
Yes, it is somewhere about that.

7043. And if these reductions still continue, do you anticipate that there will be any margin left?
If the rents were all reduced at the rate at which the Sub-Commissioners decided these four cases, I do not believe there would be any margin; certainly not 100 *l.* I should say. The only hope is that I may get off a little better in the future than I have in the past; but I have no reason to suppose that I shall do so, except the doctrine of chances. If I accepted the decisions already given as operating over all my estate, it would practically ruin me.

7044. It would leave you absolutely without the estate?
It would leave me with the responsibility and with none of the emoluments.

7045. Are you acquainted with gentry in your part of the country who are in the same position?
Yes; it is a thing people are very reticent in speaking of. I would speak more freely to your Lordships than I would at home about it, and I think that there are a great many estates as bad as my own; probably just as bad. I know of cases that are worse.

7046. Do you know of any cases where men who have been in business, for instance, have purchased small estates, and left part of the money out on mortgage?
No, I do not know many of those. The only parties that I know in that position in my part of the country are the Musgraves of Belfast, who are very wealthy people; I do not know many people of that class.

7047. Your anticipation is that a large number of small landlords, if these reductions go on, will be swept off the face of the earth?
I think they will. I had to borrow money from time to time from my agent to meet the charges; I was always trying to reduce my expenditure as the rent came down, but it was not always practicable, and last year I had to sell all my farm stock, and implements and crops, and things of that kind, to get money to carry on; so that I am left with my own farm without anything on it at all. The remnant of that money I have been living upon; I have not got anything from my agent this year, and do not anticipate that I shall.

7048. Did you make any suggestion or offer to your mortgagees with regard to the charges on your estate?
About two years ago, when these reductions first began to be talked about through the country, my tenants came to me and said that they wanted a reduction in their rents. I told them that I was heavily embarrassed, and that, practically, only a portion of the estate belonged to me; but if the others interested in it were willing to bear their share of the loss, I would be very glad to bear mine. I then directed my agent to write to the mortgagee of the estate, and also to the representatives of my sister, who is dead, and asked them if they would make any reduction if I were to make a reduction of 10 per cent. in the rent. The mortgagees wrote back to say, through their solicitor, that they wanted the money themselves, and were depending upon that interest, that they did not wish to inconvenience me, but that there was a penal clause in the mortgage by which they could call in six per cent. interest, instead of four per cent.; they would be sorry to do that, but if the money was not paid at a certain date, they would have to do so, so I had to get the money and pay it as soon as I could.

7049. And you borrowed the money to pay the mortgagees?
You can scarcely call it borrowing; I overdrew my account with my agent.

It

It is practically the same thing as borrowing; he would show me so many hundreds of pounds to the bad at the end of the year, and I am sorry to say it is so still.

7050. Marquess of *Salisbury.*] Do you not think if there was to have been any violent interference with the existing agreement between man and man in Ireland, it would have been fair that the loss should not have fallen wholly upon the one class, namely, the landlords, but in some measure should have been distributed amongst those to whom the landlords had incurred obligations, such as mortgagees?

I am strongly of that opinion. I have been talking of that subject with one of the gentlemen outside within the last few minutes, more especially with reference to the family charges. My sisters were provided for at a time when the rental was much higher than it is now, by my father, and I do not see why they should not bear the loss as well as me.

7051. You think it hard that the burden should be put on one link of the chain?

I do think it hard that the burden should be put on one link of the chain.

7052. *Chairman.*] The fact of the matter is, if what has taken place continues, your sisters will be receiving a fortune out of your property, and you will be receiving nothing?

That is so.

7053. That is the last thing probably that your father intended?

The very last thing he ever dreamt of.

7054. With regard to the Arrears Bill, do you think you will lose any money; can you name any sort of sum you would lose by it?

I should say that I would lose probably about 800 *l.* by it. I made a sort of calculation of what I should get from each holding, and supposing that each person paid their year's rent and applied to the Court to have their arrears struck off, I think that 800 *l.* is the least I can lose. I think I would probably lose a good deal more.

7055. Therefore, assuming that the Bill was to pass, I suppose you would be in favour of not making it compulsory?

Yes, I think it would be better not to have it compulsory.

7056. If it were not made compulsory, the probability is you would not make use of it, except in certain instances?

Except in certain cases, I think one might judge of individual cases in which it might be useful perhaps.

7057. Marquess of *Abercorn.*] Do you believe if the tenants were cleared by the Arrears Bill, that they would pay any better in future?

I do not believe they would; I do not think the people under me would pay a bit better, or that they will make any struggle to pay the low rents any more than they did the high ones.

7058. *Chairman.*] You think the rents will have to be collected by pressure in future, at least for some time to come?

Of course, unless everything in the country takes a different turn to what it has taken lately, and I do not see any prospect of it.

7059. Marquess of *Salisbury.*] And if their debts are paid by Government, do you not think that if there should arise another couple of years like 1878 and 1879, that it will occur to them that their debts might be paid by the Government again?

Yes, it would be very strange if it did not.

7060. It would occur to most people?

It would occur to most people, I think.

7061. And if they remembered that one of the reasons why their debts were paid was because they made themselves particularly disagreeable, do you not think that they would do the same thing again?

I think they would; it would be very natural that they should do so.

7062. That would not be peculiar to Ireland?

I do not think it would. There is another thing; there may be a great many changes in the 15 years, but if the 15 years term does run out, there will be a most tremendous agitation for further reductions at the end of 15 years; and the whole thing will be gone over again, whether times are bad or good, in order to get something from the Government.

7063. Viscount *Hutchinson.*] Have you kept any record of the proceedings in your four cases?

I have only my memory to depend upon.

7064. But you could get no return from the court of the grounds upon which the decisions were made?

No; nobody can get that; they never do give it.

7065. I suppose certain deductions were made on account of tenants' improvements?

Tenants swore to long lists of improvements that I had no means of knowing anything about. One of my tenants (the man Reid) swore to having reclaimed a large quantity of land; I forget how many acres; but I should think 17 or 18 acres certainly, and only this morning I was looking over the two valuations, one made about 40 years ago, and the other this year, and in the arable land of the farm there was less than an acre difference on the two accounts, so that if this land was reclaimed it was long previous to that.

7066. Lord *Kenry.*] If you did not mention a case of that kind you could hardly expect the court to arrive at a fair judgment on the matter, could you?

No; I certainly ought to have done that. I may tell you that this Mr. Nolan, who valued for me first, only went down a day before to make his valuation. I had not seen him or had any communication with him at all, and he got up in court, and they said they understood Mr. Nolan's principles, and it would be sufficient if he would state his figures; then he stated his figures, and went away out of court. When I knew that I was coming here I got the valuation from him, and that was the first time that I had an opportunity of seeing what the difference in the acreage was.

7067. I suppose if the tenant had been obliged to give you notice of what he was going to do, you would have been prepared for it?

I would have been in another position then.

7068. Viscount *Hutchinson.*] You went into court without any idea of what was coming on?

I had not the faintest idea.

7069. Although those improvements have been sworn to now, it is perfectly possible that they may be sworn to again in 15 years, is it not?

It is perfectly possible.

7070. They have been sworn to once?

They have been sworn to once. I heard of a case the other day (I do not know whether I am at liberty not to mention names, but I would rather not do so) in which the agent went on the lands with the Commissioners. The tenant was asked to point out his improvements. He said, "so many perches of drains;" and they said "where are they;" and he went to the main drain, and they said, "get a spade and open this drain," and they opened it and it went about three feet, and there the whole system of drainage stopped, and there was no more. I will do the Commissioners the justice to say that the man's case was dismissed, but that may have occurred in a great many other cases.

7071. *Chairman.*]

7071. *Chairman.*] Was it the Commissioners who opened the drain?
No; it was the agent.

7072. Do you think that drain had been made lately?
The story was told to me; I am only telling it you from hearsay. The agent told it to me. The drain had evidently been made on purpose for the Sub-Commissioners. That was on one of the largest estates in the County Donegal.

7073. Are you in the army?
I am a militiaman. I was in the army at one time, but I have left it 10 years.

The Witness is directed to withdraw.

Mr. CHARLES HENRY LLOYD, is called in; and Examined, as follows:

7074. *Chairman.*] You reside at Tipperary, I think?
Yes.

7075. You are in the Commission of the Peace for that county?
Yes, I am.

7076. Do you farm yourself?
Yes, I farm about 60 acres at present.

7077. Are you thoroughly acquainted with the value of land?
Yes, I am.

7078. What is the size of your estate?
About 1,500 acres. Not 1,500 acres let to tenants; you would have to take about 100 acres off that. There are about 1,400 acres let to tenants.

7079. How many tenants are there on the estate?
Forty-three.

7080. What is the Government valuation?
About 800 *l.*

7081. What is the rental?
I think it is about 950 *l.*

7082. Of what size are the farms?
Most of the farms are over 20 English acres. It is all English acres; the 1,500 are English acres.

7083. Is the land good?
It is of fair quality.

7084. Is it good for sheep?
Yes, it is good arable and sheep land, most of it; all the upland.

7085. How long have you had possession of this estate?
Since 1861, I think it is.

7086. How long have your family been in possession of the estate?
I do not know exactly, but over 200 years at any rate.

7087. Was the rent higher before the famine time?
Yes, a good deal.

7088. What was it then?
£. 1,500 a year.

7089. Was it reduced?
It was.

7090. And it has not been raised since?
No, it has not.

7091. It has remained at the present rental ever since?
It has, except in one or two instances, in which I lowered it myself, in 1861.

7092. Have rents been punctually paid?
Very, up to two years ago.

7093. Had you ever any difficulty in obtaining them?
No, none whatsoever.

7094. When did the agitation commence in your part?
I think it was about 1879.

7095. Were you asked then to make reductions?
Yes, I was.

7096. Did you agree to do so?
No, not at that time.

7097. Did you agree to do so afterwards?
I did afterwards.

7098. What reduction did you make?
I took Griffith's valuation.

7099. Did the tenants demand the same thing after that again?
Yes, they did.

7100. The following year?
Yes.

7101. Did you agree to it?
No, I did not.

7102. What has been the result?
They have not paid any rent since, except one or two of them. They cannot pay their rent now because they are so much intimidated; but one or two will say "I will lend you a few pounds."

7103. They say they will lend you a few pounds to go on with?
Yes; only two or three of them do that.

7104. Did you make any allowance for improvement on the property?
Yes, I did. Some time ago, when they were all building new barns and things of that sort, I allowed them the slates for their slating.

7105. Did you give them turbary?
Yes, some of them had turbary formerly.

7106. Have they got it still?
No, I took it away from them.

7107. Why did you do that?
They what they call boycotted the bog; they posted up notices that nobody should take any turf on my bog; then I would not allow any of them to cut.

7108. Have you taken any proceedings against your tenants?
Yes, I have.

7109. Have you turned any out.
No, not yet.

7110. Has your taking proceedings had any results?
Yes.

7111, In what way?
They turned all my servants out of my house, and everyone who was in my employment, except two maids and a little boy, who has left me now again.

7112. That is to say, you have been boycotted?
Yes.

7113. Have you suffered any inconvenience from being boycotted?
I have, indeed, very much, being obliged to do all my own work. In January I was obliged to bring in the manure and sow my own early potatoes in the garden.

7114. Have you employed emergency men at all.
I got some men from Mrs. Power Lawlor, who is also boycotted; she has a staff there, and I sometimes get men from her.

7115. You are still boycotted?
I am.

7116. Have you been threatened?
No, I have had no threatening letters, but some of my tenants have that helped me; three of them.

7117. Have any of your tenants been into court yet?
Four of them only; I think they will ultimately all go in.

7118. Did the tenants wait to see the effects of the decisions on the others?
Yes, they did. It is only lately that they went in.

7119. Did you get much notice before the trial of those cases that were tried?
No; not the first three.

7120. How long did you get?
I think the summons from Dublin only came three or four days at the very most, before the trials came on.

7121. Therefore you had no opportunity of preparing your case?
No, I had not.

7122. Did you protest against that?
No, I did not indeed; I did not think of it at the time.

7123. What has been the reduction upon those four cases?
About 30 per cent.

7124. Will you hand in the table showing what the reductions were?
This is it. (*The same is handed in.*)

7125. Do you think that the reductio ns are unfair?
I do certainly.

7126. From your knowledge of the value of land do you think that a man can live and thrive, and pay the old rent?
I certainly do.

7127. You were present at the hearing of those cases yourself?
I was.

7128. Did you produce a valuer?
No; I valued myself.

7129. You would have liked to produce a valuer?
Yes, I should certainly.

7130. Why did you not do so?
I could not get a competent man there that I could depend upon at the time.

7131. Did the length of time that you had notice of the hearing have anything to do with that?
Yes; he would not have had time to have valued the farms.

7132. What class of valuers did the tenants produce?
Tenant farmers, small auctioneers, and those sort of people.

7133. Are there many charges on your property?
Yes, there are a good many.

7134. Would you have any objection to informing us what they are?
No, certainly not; there is a head rent.

7135. There is a head rent of how much?
£. 234.

7136. And tithe rentcharge?
£. 84.

7137. Mortgagees, and interests, and annuities?
Mortgagees, interests, and annuities, 246 *l.*

7138. And taxes?
The taxes are heavy, 60 *l.*; making in all a total of 624 *l.*

7139. If that is deducted from your rental of 900 *l.* a year, you would have less than 300 *l.* a year left?
Yes.

7140. And if these reductions go on at the same rate, do you consider that your margin will be swept away?
Entirely; more than that will be taken away, I think.

7141. Then according to that, you would be left without a single shilling out of your property?
Certainly, it would not be able to meet the charges even on it.

7142. Are you acquainted with any other gentlemen in the same sort of position as yourself?
No, I do not think I know of anyone round about me.

7143. I suppose you know of others?
I do. They are all going in to the courts on Mr. Cooper's estate also, which is next to mine, but I do not know what reduction they will make.

7144. Are you aware whether Irish landlords, as a rule, have heavy charges on their property?
Yes.

7145. If these reductions go on, do you not anticipate that they will have much the same effect upon many of them as they have had upon you?
Most certainly.

7146. You have received no rent lately at all, have you?
Not for the last year-and-a-half.

7147. Has not that been a great difficulty to you in fighting these cases?
It has, of course; I have been unable to enter into law proceedings properly as I would have done otherwise.

7148. Would you have appealed?
I should, if I had had means at the time, but I had not.

7149. And therefore you were not able to appeal?
No.

7150. Marquess of *Salisbury.*] Is it, do you think, a common case that landlords have not been able to appeal against decisions that they think to be unjust?
I think it is a common case. Many landlords are situated the same as I am, entirely dependent upon the rents, and if they have no money in the funds, or the banks, or anything to go on with, of course they cannot go on when they are refused rents; they cannot appeal, and cannot do anything in that way.

7151. Marquess of *Abercorn.*] You said you had not time to prepare answers to

to the tenants' applications. What length of time had you, after the cases were listed before they were heard, in which to prepare your case?

I think it was only three or four days from the time I got notice of trial; that is from Dublin.

7152. The Commissioners propose to give three weeks, do they not?

Yes, but they did not on that occasion. On the last occasion I had plenty of time, but that was on account of the adjournment. There were only three cases to be heard in Thurles, and they went on to another place and came back again.

7153. *Chairman.*] Do you think that the passing of the Act of 1881 has had a good effect or a bad effect, on the state of the country?

I think it has had a bad effect.

7154. Do you say that the tenants are worse conditioned than they used to be before?

I think they are; I see them every day in town drinking, and doing nothing else; in fact, they are completely demoralised.

7155. Viscount *Hutchinson.*] That is in Thurles?

Yes, that is in Thurles.

7156. *Chairman.*] Do you think they are trying to get the most they can out of their farms, or leaving them to take care of themselves?

On my property they are all working the farms pretty well, and putting down their crops.

7157. Viscount *Hutchinson.*] I suppose they have more money with which to work their farms than before?

Yes, they have the rent that they have not paid.

7158. Earl *Stanhope.*] Has the Act encouraged the expenditure of capital by landlords?

No, certainly not.

7159. Do you think that in future they will spend as much as in the past?

No, I think, certainly not.

7160. Do you think it is likely they will reside on their property as much as they did in the past?

If they have any means to reside elsewhere, I am certain they will leave their property; I know I should.

7161. *Chairman.*] Do you think that a landlord is likely to lay out any money at all on his property if he can avoid it?

Certainly not amongst his tenants.

7162. Marquess of *Salisbury.*] Do you find that the tenants are willing to accept the present arrangement as definitive, or do you imagine that they look forward to any further Parliamentary interference?

I think, after this is over, they will look forward for more, and agitate for more. I am almost certain of that.

7163. Lord *Brabourne.*] Then you think that they regard the concession that has been made as a concession to agitation and not a free gift by Parliament?

They do, certainly.

7164. At all events, the gift followed the agitation very closely, did it not?

It did, immediately.

7165. *Chairman.*] Do you anticipate any good results from the Arrears Bill?

No, I think it is a thing that will act very badly. I do not think the tenants will pay anything for the future after that Bill is passed.

7166. Do you think it will do any good, for the moment, as regards getting in some of the arrears?

No, I do not.

7167. How do you mean that; you would surely get something from the Government, would you not?

From the Government, of course, I might, but the tenants will not pay their arrears any the more. I do not understand the proposed Act.

7168. The tenant, by the proposed Act is to pay a year's rent, and then he receives a year's rent from the Government, provided there is more than two years due; but, supposing you have received no rent for a year and a half, as you have said, the probability is you would get a year from your tenant?

Unless I accept Griffith's valuation, not one of them will pay.

7169. Under the Arrears Bill you would get a year's rent from your tenant before he could come under its operation?

Then, I suppose, they would pay.

7170. Lord *Brabourne.*] Would not the tenant who has honestly striven, by great self-denial and exertion, to pay his rent in the last few years, feel himself placed in a much worse position than a man who has been idle and not pay his rent?

Of course he will; but I know there are some of them in my neighbourhood who would pay if they were allowed; but they dare not.

7171. What is it that prevents them?

Some of the other tenants will not let them, and the Land League combination will not allow them to pay their rents.

7172. Marquess of *Salisbury.*] Do you think that they have got the money they have not paid you in the bank, or that they have spent it?

I do not think they have any money in the bank wherever else they may have it. They were afraid that the landlords might get the money from the banks through some superior court, or in some way. I do not know whether they could do so or not; but they were afraid the banks would pay the landlords this money when they had it deposited there, and the consequence was that they drew almost all their money out.

7173. The money is in an old stocking, if it exists?

Yes, I suppose it is, or somewhere else.

7174. Lord *Brabourne.*] If there is much money in an old stocking, I suppose that will not be very easily proved when it comes to be a question of ability or inability to pay, will it?

No, of course not, it cannot be proved.

7175. If the bankers could be examined and the people themselves who had money on deposit at the bank, it possibly might be shown that they were able to pay?

Yes, of course.

7176. That would be an inducement to them not to put their money into the banks, but keep it somewhere where it would not be so easily discovered, would it not?

Yes, I think so.

7177. Then do you not anticipate that there will be very great difficulty in proving whether a man is able or unable to pay?

Certainly an enormous difficulty.

7178. And must it not take a great deal of time to investigate the cases if they are properly investigated?

Yes.

7179. Do you think it is likely that the same slipshod way of proceeding, which I understand you to attribute to the Land Courts, will be carried on, and possibly even to greater extent, when you come to these cases of investigating ability to pay?

I am sure it will.

7180. And it will take a very long time, will it not?
It will; and I do not think it is possible for them to know whether a man has money or not. At the time of the famine, a few years ago, I know that many men got relief who had a lot of stock on their land, and were very comfortable farmers.

7181. Viscount *Hutchinson.*] Your part of the country has had rather an unenviable reputation the last few months, or the last year and a half, has it not?
It has.

7182. You are not the only proprietor who has suffered from the servants being sent away, are you?
Oh, no; several have suffered in the same way.

7183. Are you able to say whether they have suffered in the same way from non-payment of rents?
They have; no rents are paid except by seizure of stock or that sort of thing.

7184. Between Templemore and Thurles there is a good deal of mountain land, is there not?
Yes.

7185. And small tenants?
Yes.

7186. And these mountains are all centres of disaffection?
They are, certainly.

7187. In fact, it is a sort of vantage ground from which they come down?
It is a regular hotbed up there.

The Witness is directed to withdraw.

MR. JAMES GREER, is called in; and Examined, as follows:

7188. *Chairman.*] I BELIEVE that you are a landlord?
Yes.

7189. And an agent as well?
Yes.

7190. Are you also a tenant?
Yes.

7191. Do you hold land from another landlord?
I do.

7192. You are agent over a property of how much a year?
Different properties to the extent of about 12,000 *l.* a year.

7193. You have had a good deal of experience in the management of land, have you not?
Yes, I occupy three or four hundred acres myself.

7194. You live near Omagh, do you not?
Yes, about a mile out of it.

7195. Viscount *Hutchinson.*] What class of land is it that you farm yourself?
Principally grazing land now; I have converted it into grazing land as much as possible.

7196. How long is it that you have been managing this land for yourself?
I purchased one townland, on which the greater part of it is, in 1853, and from that time until now I have been getting it into condition.

7197. That is land that you own in fee?
Yes, the land that I rent I have had for about three years.

7198. Is it in the neighbourhood of that?
It is on another side of the town, about equi-distant in another direction.

7199. You are agent over properties in what counties?
I am agent for properties in Tyrone, Donegal, and Fermanagh?

7200. Let us take the first estate; who does that belong to?
The first cases that I am connected with which have been heard under the Land Act were the cases of Mr. Sheil, who is one of the divisional magistrates in London.

7201. And he has property in what county?
In Tyrone.

7202. What is the acreage of it?
The acreage of the portion let to yearly tenants is something like 1,000 acres; then there is the perpetuity grant of one quarter of the townland, about 200 more, about 1,200 acres in all.

7203. What is the rental?
The rental before the reduction was 784 *l.*, and deducting the perpetuity rent, it was 749 *l.* 4 *s.* Another gentleman, representative of Mr. Muirhead, holds a portion of the townland in fee farm under Mr. Sheil.

7204. Mr. Muirhead's representative has a fee farm grant?
Yes.

7205. *Chairman.*] What is the number of tenants?
The number of tenants, including the perpetuity grant, is 27.

7206. What is the average size of the farms?
I suppose about 30 acres; 30 or 40 acres, besides bog.

7207. Have the tenants served originating notices?
Yes, all the yearly tenants have done so.

7208. Have the cases been heard?
They have.

7209. When did the property come into Mr. Sheil's possession?
It came into Mr. Sheil's father's possession in 1846.

7210. Has any rise of rent taken place since that time?
Mr. Sheil and his father expended 1,586 *l.* in improvements upon it, and the entire rise of the rent on the townland has been 56 *l.* 5 *s.* 6 *d.* since 1846.

7211. Was that in consequence of money laid out in improvements?
Yes.

7212. How much money did he lay out in improvements?
£. 1,586. 10. 9.

7213. Therefore that was a very small percentage?
Not four per cent. upon the outlay.

7214. Were the rents well paid?
The rents were very fairly paid.

7215. Earl *Stanhope.*] Do the tenants do the haulage or carriage of the material in these cases of improvement?
Yes, I think they cart stones and other building materials.

7216. *Chairman.*] Were these improvements done partly by the landlord in assistance to the tenants?
It was assistance to the tenants.

7217. It was not carrying out any improvement in its entirety?
No; he allowed them so much for the making of drains, and so much for assisting to build the houses, and for gates, fences, &c.

7218. Was the work done by the tenants and paid for by the landlord?
Generally by the tenants and employed labour.

7219. Viscount *Hutchinson.*] But the per-centage was charged upon landlord's outlay, I suppose?
Yes, it was substantially; it was scarcely a per-centage, because at five per cent. it would have come to a great deal more. The whole outlay was what I have mentioned, 1,586 *l.* 10 *s.* 9 *d.*, and the whole increase of rent was 56 *l.* 5 *s.* 6 *d.*

7220. And at five per cent. it would have come to something between 70 *l.* and 80 *l.*, would it not?
Yes.

7221. Was there any particular scale of per-centage fixed on the landlord's outlay, or was it merely that he said, "I have done this for you, and you must pay me more rent"?
Yes, he put on the increased rent from time to time, and added it to the old rents.

7222. *Chairman.*] Were the rents paid regularly?
Yes, they were.

7223. Up to when?
Up to 1879.

7224. Were there any arrears on the estate?
Very little; two or three of the tenants were unable to pay, and they got time; but beyond that there was no substantial arrear.

7225. Did the landlord, when these cases were tried, give evidence?
Yes, he got leave from the Home Office to come over, and gave evidence detailing the facts that I have mentioned to your Lordships.

7226. Did he prove the land to be of good quality?
Yes, he did; and the Sub-Commissioners in their judgment admitted, after viewing it, that the land was of excellent quality.

7227. Did he prove that there was no rise of rent?
Yes, he proved the facts that I have mentioned.

7228. What was the reduction?
There were five cases in which there was no reduction.

7229. What was the average reduction?
The average reduction was 16 per cent. upon the holdings, omitting these five cases in which no reduction was made.

7230. Will you kindly hand in a table of the amount of reduction, and of Griffith's valuation?
Yes, I have got a schedule here showing the acreable quantity, the rent before the reduction, the judicial rents, and the landlord's outlay upon improvements. (*The document is handed in.* Vide *Appendix.*)

7231. Earl *Stanhope.*] If the tenants were so prosperous, upon what grounds was the reduction made, do you suppose?
Except on a general desire to reduce everything, I cannot tell.

7232. You do not think it was on the tenants' improvements that the Commissioners reduced the rents?
No, I do not think it was.

7233. Still less on their inability to pay the old rents?
I do not think it was.

7234. *Chairman.*] Had the tenants made any improvements?
Yes, they had; they were industrious, thriving people. There were a number of cases in which the farms changed hands in the last eight or ten years; they produced eight and ten and twelve years' purchase for their goodwill, which covered those improvements, and any of the holdings now would sell for quite that or more. I have a list here of the sales that took place since 1868, and the prices paid for the tenant right, and it will be seen that the average sale of the tenant right both before the Land Act of 1870 was passed, and since any alteration was made in the rents, averaged 10, 12, to 14 years' purchase.

7235. Have you any objection to telling us whether there are any large outgoings on this estate?
There is a small head-rent, and there is an annuity to the mother of the present owner. I have no knowledge of any other incumbrance.

7236. Do you consider that those reductions have materially reduced the income of the estate?
Decidedly; the 84 *l.* a-year would represent a reduction of about 2,000 *l.* in its value.

7237. The reductions amount to 84 *l* a year?
Yes, the reduction which produced 16 per cent. produced that.

7238. Viscount *Hutchinson.*] On a rental of 800 *l.*?
There were five holdings that were not reduced. The reductions are upon a rental of 580 *l.* 14 *s.* 10 *d.*

7239. As a matter of fact, taking the thing as a whole, the reduction is 84 *l.* on the old rental, of what?
On the old rental of 749 *l.*, minus the perpetuity rent.

7240. What is the perpetuity rent?
The perpetuity rent is 35 *l.* 8 *s.*

7241. In point of fact, you may say, that it is a reduction in round numbers of 80 *l.* upon 700 *l.* a year?
Yes. Upon the holdings that have been reduced it is a reduction of 16 per cent.; that is, omitting the five holdings on which no reduction was made. I have put it here as a memorandum. The gross present rental is 784 *l.* 12 *s.*; perpetuity rent, 35 *l.* 8 *s.*; that leaves 749 *l.* 4 *s.*; but, deducting five holdings not reduced, the rents of which amount to 168 *l.* 9 *s.* 2 *d.*, that leaves the holdings that have been reduced, 580 *l.* 14 *s.* 10 *d.*; and the reduction on this is 16 per cent., or 84 *l.* 5 *s.* 10 *d.*

7242. *Chairman.*] Were you present when these cases were heard?
I was.

7243. You employed a valuator, I suppose?
Yes, a valuator was produced by the landlord.

7244. What view did your valuator take?
Mr. Sheils' valuator would have made a slight reduction, but then he allowed the tenants 12 years' tenant right; after deducting 12 years' purchase for the tenant right on each holding, there would have been a reduction of about 30 *l.* or 40*l.* off the whole.

7245. Was there any tenants' valuators?
There were tenants' valuators, who were principally tenant farmers of the neighbourhood.

7246. You have no record of their valuation?
No, I have not.

7247. You cannot tell me what proportion the tenants' valuation and your valuation bore to the judicial rents fixed?
No, I could not state that; I have been passing through London from France and had not the opportunity of looking at my papers. I could have got them from Ireland if I had known earlier.

7248. We have had it in evidence on several occasions that the judicial rent is generally fixed on something like a mean or average between the two?
That may be the mode in which they fix it, but I could form no idea of the basis on which it was done.

7249. In fact, you did not arrive at any opinion of the principles upon which the Sub-Commissioners conducted their operations or gave their decisions?
No, I could not possibly do so.

7250. Earl *Stanhope.*] Did you have any notice beforehand of what the tenants claimed as their own improvements?
No.

7251. No intimation until you went into court?
I am not quite certain whether there was a notice requiring them to give a list of their improvements in this case or not?

7252. Viscount *Hutchinson.*] What was the date at which these cases were heard?
I think it was December 1881; they were nearly the first set of cases.

7253. Do you know whether your solicitor served notices upon the tenants to give particulars or not?
I rather think not, but I am not quite certain; I know that he did in another set of cases, in Ogilby's estate; I would have been better prepared, but I am passing through London, and have not been in Ireland for the last six weeks, and stopped here to be examined.

7254. *Chairman.*] With regard to the second estate, who does it belong to?
To the trustees of Mr. Ogilby.

7255. Where is it situated?
It is in Tyrone.

7256. What is the acreage?
About 4,000 acres.

7257. What is the rental?
The rental is about 2,000 *l.* a year, besides a house and land in the owner's occupation, which would be value for 200 *l.* yearly more.

7258. Has any rise of rent taken place upon that property?
The owner of that estate expended a large sum under the Government in improving it from time to time. Before my knowledge of it began, I do not know really what increase of rent took place.

7259. Earl *Stanhope.*] You do not think the tenants paid the instalments to the Government Board of Works?
No, I think not.

7260. *Chairman.*] Have the rents been punctually paid?
Yes, I believe they have.

7261. Were they fair, do you think, from your knowledge of them?
I think, owing to the considerable rate at which the tenant right has been sold for the last two or three years, that they must have been so, and were considered fair by the people who purchased.

7262. How many tenants are there on this estate?
Over 50.

7263. How many have served originating notices?
I think nearly all now.

7264. How many cases have been heard?
There have been 41 cases heard. They were heard under two Sub-Commissions.

7265. Did you get any notice that the Sub-Commissioners were going to value the land?

No, there was some mistake; I do not think it was intentional on the part of the Sub-Commissioners. That notice was not given. That is, the last set of Sub-Commissioners. I had better distinguish between them: the first 20 cases were heard in February 1882, before the first set of Sub-Commissioners.

7266. With regard to that distinction, you were before two sets of Sub-Commissioners?

Yes, there were two separate Sub-Commissions.

7267. Will you tell us the names of the Sub-Commissioners?

The first consisted of Mr. Fitzgerald, Mr. Comyn, and Mr. Mahoney.

7268. Who were the second lot?

The second Sub-Commissioners were Mr. Wylie, Mr. Cunningham, and Mr. Ellis.

7269. Was there any difference in the class of property which they adjudicated upon?

No, it is the same estate.

7270. Was the rent on about the average the same?

Yes, I think so.

7271. Was there a difference between the results of the two sets of Commissioners' decisions?

Yes.

7272. What was it?

Of the first 20 cases decided by the first Commissioners, there were three cases dismissed. These three cases were dismissed because they were decided by the Commissioners to be part of the home farm, and did not come within the contemplation of the Act. Then there was a reduction of 16 per cent. off the remaining cases according to their decisions.

7273. That was the first set?

Yes.

7274. What was the second set?

In the second set there were no cases of home farms connected with it, and the reduction in those 21 cases was 30 per cent. I have here a list of the decisions of each Sub-Commission. (*The documents are handed in.* Vide *Appendix.*)

7275. Therefore, apparently, either owing to the fact that Sub-Commissions are giving greater reductions, or owing to the fact that two different Sub-Commissions looked upon the subject from a different point of view, the second Sub-Commission reduced the rents of the same class to double the extent, or nearly double the extent of the first set?

Yes.

7276. Had you any means of judging how either set of those Sub-Commissioners arrived at their decisions?

No, I have no means of knowing that.

7277. Did you appeal in any of those cases?

Yes, there are 11 appeals lodged, I think, against the last decisions, and one or two against the first.

7278. What was the reduction upon the whole estate?

About 242 *l.*

7279. What average per-centage would you say has been made upon the whole estate?

It would be about 22 or 23 per cent. would be about the average.

7280. Do you consider that an excessive reduction?

Yes, I think so.

7281. Why do you consider it excessive?
I may mention a case in the last list decided, where the tenant on a holding paying a rent of 30 *l.* a year since the originating notice was served sold the tenant right for 420 *l.*, and there were no substantial improvements upon it; yet notwitstanding that the rent was reduced from 30 *l.* to 24 *l.*

7282. Are there many charges upon this estate?
There are very large charges, indeed.

7283. Have you any objection to stating them to the Committee?
No.

7284. Will you say what they are?
One annuity of 500 *l.* a year to the widow of former owner, and a contingent annuity of 200 *l.* to wife of his son if she survives him. There are besides mortgages of over 22,000 *l.*, the interest of which amounts to nearly 1,200 *l.* yearly.

7285. What other charges are there?
Rentcharges and some head rents.

7286. How much are they?
Altogether it is about 240 *l.* or 250 *l.* a year; the head rents, rentcharge, receivers' fees, and outgoings.

7287. Is there any tithe rentcharge?
Yes; that is included in the 240 *l.* or 250 *l.*

7288. And the income tax?
Income tax and poor rates are also included.

7289. Have you counted that in?
Yes.

7290. £. 240 covers tithe rent-charges, agents' fees, and the different things?
Including agents' fees, something between 250 *l.* and 270 *l.* would cover them all, but at present the rentcharges are paid from a separate fund by the agent of another property.

7291. The whole of that added together makes how much?
It would come to more than the rental after the reductions.

7292. Therefore the margin, whatever margin there was, will be entirely swept away?
It will be entirely swept away.

7293. Are you aware, from your knowledge as a land agent, whether there are many more gentlemen in your part of the country who have large charges upon their estates?
Yes, there are a very considerable number.

7294. You consider that a great number of gentlemen in Ireland have charge upon their estates?
Yes.

7295. Do you think if these reductions go on that there is a probability of the margin being swept away in a great many cases?
I am certain of it.

7296. Then, what do you think will happen to the owners?
They will be driven to beggary.

7297. And utterly ruined?
Yes, utterly ruined.

7298. Are they in a great state of mind about it?
Yes, they are very anxious indeed; especially men who have families, and no other means.

7299. Do you know any cases where men who have been in trade have purchased property?
Yes, I do.

7300. And left part of the purchase-money out on mortgage?
I do not know, of my own knowledge, as to their leaving it out on mortgage, but I have no doubt they did.

7301. Will not these reductions come very hard upon such people?
It will come very hard indeed upon them.

7302. People who have invested their money for some sort of comfort in their old age will be in that position, you think?
Yes, I am aware of many cases of that kind.

7303. And the reductions will probably sweep the margin away, and leave them beggared upon the world?
I think so; many of them will be altogether beggared.

7304. Have you any suggestion to make to the Committee by which some of this hardship might be averted?
I think the Government ought to purchase the property from the owners who wish to sell.

7305. That is to say, you would make the Government the landlord of Ireland?
The landlords of such properties as the owners are disposed to sell, because I think there is no other way of dealing with the existing difficulty.

7306. In the present condition of Ireland, do you not think that most of the owners would be inclined to sell?
I think they would, and very anxious to do so.

7307. Provided they could get a fair sum of money?
Yes, even a moderate amount.

7308. Have you come to any conclusion as to what would be a fair number of years' purchase?
Where rents have been fairly paid for 20 or 30 years I think 24 or 25 years' purchase would not be unreasonable. In the North of Ireland the rents have been very fairly paid except in the backward parts of Donegal, west and north-west along the seashore; in the internal part of Ulster the rents have been very fairly paid.

7309. Would you think that it would be an advantage to have any arrangement by which the tenants could be induced to buy?
I do think so, certainly.

7310. By improving what has been called the Bright's clauses?
I think it would be very desirable to facilitate the working of the Bright's clauses, and that the tenants should be encouraged to purchase under them. If they could get advances from the Government at so low a rate of interest as would enable them to purchase their farms and not have any substantial increase of rent.

7311. Do you think that that would help to quiet the country?
I think it should do so, but the existing agitation has been allowed to grow so far, it will require time and firm administration of the law to effect this.

7312. And that it might possibly get the landlords out of a perfectly untenable position?
Yes, I think so.

7313. These unfortunate men, whose margin has been swept away, might possibly sell, and have something left?
They would be most anxious to sell.

7314. They might, at any rate, clear off their mortgages and have some little left?
Yes. If the Government would lend money at a low rate of interest to them to clear off their mortgages it would be an assistance, and I think the Government should certainly condone the tithe rent-charge to them so as to afford some compensation for the grievous losses they are sustaining.

7315. At the present time land is unsaleable, I believe.
It is practically unsaleable.

7316. Therefore, if there is nothing of this sort done, the landlords, who are perfectly broken, will be tied to their properties?
They will be tied to their properties, without any means of release, and if creditors come upon them they will be ruined.

7317. Earl *Stanhope.*] Has this reduction of rent satisfied the tenants, do you think?
Not at all; at least I think they expect more after a very short interval.

7318 You do not think that it is a final settlement?
Oh, dear, no; I think that it is the worst feature of the agitation.

7319. Do you not think there ought to be some sort of final settlement with the valuation of land?
I think it would have been infinitely better to have had regular professional valuators appointed by the Government to have gone and ascertained what the true value of the land was, and then let the Government, subject to an appeal against that valuation, fix the rents at that amount rather than have it done in the way that it has been done.

7320. Viscount *Hutchinson.*] Would you have relegated that duty to the county court?
Well, I am afraid the county court is not now so satisfactory a tribunal as it formerly was.

7321. Not satisfactory to whom; do you mean to either party?
I do not think it would be satisfactory to either party.

7322. Still the fact remains that the county court judges carried out the working of the Land Act of 1870 with great impartiality for a great number of years?
They did, but there is a marked change since the Sub-Commissioners began to Act.

7323. Earl *Stanhope.*] You would have the price of the land determined by the value of the produce of the land, would you not?
The valuators should, I think, take that into account; it would be the proper way to do it. If they took that into account, it would be the fairest way of fixing the value.

7324. There has been a very considerable rise in the value of produce since Griffith's valuation was made, has there not?
Yes, a very large increase. There are some things in the north of Ireland that are depreciated just now in value: flax especially, and oats, at the early part of the year were very low, but other things are a fair price.

7325. Wool is high, is it not?
I do not know about wool; we are not in a sheep country. Butter has been at a very high price, and beef and cattle are both high.

7326. *Chairman.*] Have you any statement you would like to make before you finish?
I think the Government certainly ought to be urged to condone the tithe rent-charge to the landlords, as they have their different payments still to make the same as before the Land Act was passed; and I think if the Government lent money at a moderate rate of interest to the landlords to pay off their charges it would materially assist them. In the case that I have mentioned of the Ogilby Estate, it would largely assist the owner, because the loans were taken at a very improvident rate.

7327. Earl *Stanhope.*] Has the promise of the Arrears Bill had any effect upon the payment of rents?
I think it has hindered the payment of rents very considerably.

7328. I suppose, however, it is very much looked forward to by the tenants?
It is very much looked forward to by the tenants, and I think they are not coming

coming forward with payments now, as they would have done had it not been or their expectations of the result of that measure.

7329. Would there not be some difficulty in discriminating between those tenants who can pay and those who cannot pay the rents?
Very great.

7330. How do you think the Commissioners will arrive at a conclusion as to that?
I really cannot tell, because many men have interests in their farms ten times the value of their arrears; if that interest is not taken into account the landlords in the north, who have been considerate to their tenants, and allowed them to go into arrear, will be large sufferers.

7331. Do you think that the effect of Government assistance in paying off arrears will be made a precedent in bad years for similar consideration?
I am certain it will.

7332. *Chairman.*] On the estates that you have to do with, is there much arrears?
No, there is not; the arrears have not been large in the part of the north that I am in. There are on every property some thriftless, indolent people, and others, who are unable to pay, either from old age or infirmity, or scheming people, who since the agitation commenced will not pay.

7333. Earl *Stanhope.*] There is a feeling of uncertainty, is there not?
There is a great feeling of uncertainty, both amongst landlords and tenants.

7334. Have you found, in your experience, any disposition on the part of some of the poor people you come across to emigrate?
Yes. I think if they got facilities to emigrate, a great many of them would be very glad to do it; voluntary emigration, I think, would be of very great advantage to them.

7335. Do you not think that some scheme of Government aid to assist emigration would be of great value?
I think it would.

7336. You have not found the boards of guardians at all ready to come forward and assist?
No, I have not.

7337. Surely if the number of applications for a farm were reduced, there would be more security, because there would be less land hunger?
Yes, I think there would; I think emigration would be a real advantage to the small class of farmers who cannot possibly exist upon the small patches of land they hold. There are many farms in the country that are not at all sufficient, even free of rent, and free of taxes, to support a family, and for those people emigration would be an immense advantage; but of course it ought to be voluntary and carried out with consideration to their feelings and interests.

7338. Do you think that much money comes from America to assist relations left behind to emigrate?
Yes; I think there is a good deal from time to time, but then that does not get the whole family out. That is only a spasmodic thing, to assist one member or two members of the family. The most infirm and feeble are left; they are not able to manage the farms themselves, and then they get into arrears.

The Witness is directed to withdraw.

Adjourned to Tuesday next, at Twelve o'clock.

# *Die Martis*, 18° *Julii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of SOMERSET. | Lord TYRONE. |
| Marquess of SALISBURY. | Lord CARYSFORT. |
| Earl of PEMBROKE AND MONTGOMERY. | Lord BRABOURNE. |

LORD TYRONE, IN THE CHAIR.

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COLONEL E. R. KING-HARMAN, is called in; and Examined, as follows:

7339. *Chairman.*] I THINK you are a large landlord in Ireland, are you not?
I am.

7340. Where are your estates situated?
In the counties of Roscommon, Sligo, Queen's County, Longford, and Westmeath.

7341. What is the acreage of the estates?
About 75,000 acres.

7342. And what is the rental?
The valuation is a little over 40,000 *l.*, and the rental is slightly under the valuation.

7343. Have you been managing this property for any length of time?
I have been in possession myself about seven years, and during the latter years of my father's life I had a great deal to do with the management; he was in ill health, and I took great interest in it.

7344. Is there any difference in the classes of estate in Longford and Westmeath and the other estates?
They are so different, that in giving evidence before the Duke of Richmond's Commission, I asked his Grace to question me separately as to the two estates. I explained that while the two houses are only 35 miles apart, the circumstances of the property are fully as different there as in Sutherlandshire and Somersetshire; in one the population is entirely Celtic, and in the other there is a very improving class of tenant, more like an English class of tenant in fact.

7345. What is the rental of that property in Longford and Westmeath?
The valuation is 15,500 *l.*, and the rental is somewhere about 17,000 *l.*

7346. Were the rents on this property punctually paid up to the time of the agitation?
Remarkably so; I should think very few properties in Ireland could show such a balance sheet. I have known my father to settle with his agent on that property and have a balance of only a shilling of arrear. I have got here a list of arrears, showing how they have increased since 1876, which, perhaps, may be interesting. In 1876 the arrears on that property were 116 *l.*; in 1877 they were 456 *l.*; in 1878 they were 761 *l.*; in 1879 they were 2,298 *l.*; in 1880 they were 4,331 *l.*; in 1881 they were 5,407 *l.*; that is 5,407 *l.* in 1881, as against 116 *l.* in 1876.

7347. Would you inform the Committee how you think this increase of arrears came about?

Of course 1877, 1878, and 1879 were bad years, and we were never in the habit of pressing industrious tenants, who, through bad harvests or from other causes, were not able to meet their engagements as punctually as usual. Then in 1880, when there was a very fair harvest, more than an average harvest, the land agitation got completely hold of the people, and every effort was made by them not to pay their rents. That continued and increased during the last year, 1881, and I may say that at the present moment the desire of the people is to pay no rent at all.

7348. In the bad years did you make a reduction to the tenant?

I made no general abatement.

7349. You merely took into consideration cases of hardship?

I took cases of hardship into consideration, and assisted in other ways. I thought that general abatements were most demoralising, and I avoided them and argued against them in every possible way, but wherever I found cases of hardship, I assisted, either by giving the tenants a substantial reduction of rent, or by supplying them with stock, or very largely with seed. That I did, I may say, all over the property; and further, I laid out during those years a sum of over 21,000 *l.* in drainage, for which I charged no interest.

7350. Upon this property?

Upon that property.

7351. Duke of *Somerset.*] Were the tenants on that property small tenants?

The size of the holdings rather varies. The majority of the tenants are not what we should call in Ireland small tenants.

7352. About what size are their holdings?

I should say they are on an average about 40 acre farms; perhaps I should be nearer the mark if I said 35 acre farms. Of course a good many are much smaller, because where you come upon the boggy verges you naturally come upon smaller tenants; where it has to be exclusively spade husbandry the farms are naturally smaller.

7353. *Chairman.*] The money that you laid out was spent, I suppose, with the intention of employing the tenantry upon the estate as much as improving the property?

Certainly. I may say it was entirely with a view of employing the tenantry. In former years my father laid out on improvements, which were for the purpose of improving the property, the sum of 41,547 *l.* That was during his life time, but during the distress times I laid out 21,000 *l.* with a view to improving the condition of the people, and I may say that it had that effect. Numbers of the tenants who were run down in their means, and had no cattle then, have now two or three cows; earned by money which they and their families earned by working in their immediate neighbourhood on drainage and other works, which practically improved their farms at the same time.

7354. Did your father charge a per-centage upon the money he laid out?

He did.

7355. Did you charge a per-centage in the same way?

I have not done so; you are now speaking of the Longford property.

7356. I am speaking of the Longford and Westmeath property; I am dealing with that estate altogether up to the present time. Did the tenants upon this estate receive assistance from the New York Herald Relief Fund, which you had something to do with, I think?

No.

7357. They were not of the class for whom that fund was intended, as I understand?

They were not.

7358. Are the rents of this estate, in your opinion, fair or low?
I think they are rather low.

7359. Have you had many originating notices served upon you upon this estate?
I have had upon that property a good many, more than upon the other.

7360. Have the cases been tried yet?
I have only had nine cases tried upon this property.

7361. What has been the result?
A reduction of 29 per cent., and I have appealed.

7362. You have appealed in each case?
Yes.

7363. Does this reduction bring the rents below Griffith's valuation?
Not in these cases. I may mention that in all these cases I was able to prove that the rents had in no instance been raised since 1854. Unfortunately we had not evidence as to when they were raised previously to that, because there had been a change of agency, and the books for some years were missing; but we could prove that they had not been raised since 1854, except where money had been laid out in improving the farm by drainage, which was executed by money borrowed from the Board of Works. The interest in that case had been added; but in the case of some of those farms we showed that the tenants had not been charged the interest which we are now paying to the Board of Works. We took our share of the money, and where we thought it came a little tight upon the tenant we did not charge him the full amount, and the estate is a loser, so to speak, by the drainage which has been done.

7364. Did the Sub-Commissioners examine these forms very carefully?
Yes, they did. They examined myself, and they examined my books, and they examined the land, and they were loud in their praises of the management and the permanent condition of the works; they scouted the idea of the tenants having made any improvement; they saw that everything was in perfect order, gates, drains and so forth, and then they went back, and reduced my rents 29 per cent.

7365. You say that the tenants had not made any improvements, or at least that the Sub-Commissioners thought that they had not; what about the buildings upon the estate?
For the buildings upon those holdings we had always supplied timber and slates gratis, the tenants generally having built the walls. In some of the cases, where there had been offices, we had done the entire work.

7366. Did you produce proof of these things?
Yes, positive proof. We keep an "Improvement" Book in which everything of that kind is entered; and in the case of a farm taken in hand and drained, and the fences squared, we have a map on the one side showing exactly what the farm was before it was taken in hand, and, on the other, an accurate map of all the improvements, showing exactly the position of the drains, and also an account of the whole of the money expended.

7367. Would not any farm that you had treated in that sort of way come under the description of the clause in the Land Act which relates to English managed farms?
One would have thought so. The Sub-Commissioners even noted that nothing had been done by the landlord for sometime on many of those farms.

7368. Nothing had been done by the landlord; what do you mean by that?
Nothing had been done by the landlord for sometime, or for some years, and they noted that there was no necessity for anything to be done, because the work had been so permanently done to begin with that everything was in perfect order at the present moment; and that we considered quite amounted to keeping "in substantial repair."

7369. Marquess of *Salisbury.*] Have you appealed upon that point?
I have appealed; the cases are at present under appeal.

7370. Earl of *Pembroke and Montgomery.*] Did you argue before the Sub-Commissioners that they were English managed farms?

They hear the argument first, and go on the farm afterwards. I should have no opportunity of arguing it again. As a matter of fact, in my case they did not come to a decision in the town in which they investigated the cases.

7371. What I asked was, did you plead that those holdings would come under the clause relating to English managed estates.

We did not plead it; we suggested it, and we said that we would leave that to the decision of the Sub-Commissioners; we did not put it on the pleadings because it seems to be such a very moot point as to what comes under that clause.

7372. *Chairman.*] Before we pass from this estate, have you any further remark to make with regard to that portion of your property, that is to say, with regard to the management of it, the difficulty of getting the payment of rents, and so forth?

No, I do not think I have, specially.

7373. Have you taken proceedings against your tenants on this estate to make them pay their rents?

As little as possible. The evictions on the estate for the ten years ending August 1880 have been eight.

7374. But when the agitation took hold of the tenants, as you told us just now that it did, and prevented them from paying, did you not take measures to make them pay?

I did last year.

7375. Were you successful?

I may say that the only rents I have got, with very few exceptions, have been obtained either by process or threat of process, and that on a property where such a thing was utterly unknown three years ago.

7376. Is there any turbary on this estate?

Yes, to a very large extent.

7377. How do you allow the tenants to take it; do they have to pay for it?

I have the management of the turbary entirely in my own hands. I charge a small sum, varying from 1 *s.* 6 *d.* to 2 *s.* 6 *d.* for the portion which is allotted to every man, according to the size of the farm and the size of his family, and I keep up all the roads and drains, in fact I keep the turf bank in proper repair with this money; and I need hardly say that so small a sum as that represents does not keep it in repair. I suppose my turf banks cost me 200 *l.* or 300 *l.* a year.

7378. I suppose you do not allow the sale of turf?

No, except in peculiar cases, near a town. I let a portion of the turf bank, of course, at an increased rent, to a man for the purpose of supplying the town; otherwise the town could not be supplied.

7379. Have the tenants refused to abide by your arrangements about the turf since the agitation came on?

No, not on this property.

7380. With regard to property in Roscommon, Sligo, and Queen's County, were the rents there well paid before the agitation began?

The rents were very fairly paid previous to that time. There is a poorer class of tenants on the Mountain portion of the Roscommon and Sligo property, and of course a bad season always puts them a little more in arrear.

7381. What was the average arrear upon this estate?

I should say that the average was about 1,200 *l.* or 1,500 *l.* a year.

7382. Out of a rental of what amount?

Out of a rental of about 23,000 *l.*

7383. What

7383. What was the effect of the agitation upon this estate?
In November 1878 the arrears were about 2,500 *l.*; in November 1881 the arrears were 15,700 *l.*

7384. And did you take means to make the tenants pay?
Yes; I have taken every means.

7385. And have you succeeded?
I am succeeding in the same way that I mentioned on the Longford property; collecting, as one may say, at the point of the bayonet, and of course at the loss of all the pleasant relations which used to exist between landlord and tenant.

7386. During the bad years I suppose the tenants suffered acutely on these smaller estates?
No, I do not think so. Some of them, no doubt, would have suffered very severely if we had not taken every care of them.

7387. Were those the tenants that came under that relief fund of which we spoke just now?
Very few of mine came under that relief fund; in fact, I should say, none at all.

7388. They were in the part of the country that did come under that relief fund, were they not?
They were in that part of the country, but my own tenants did not; I took care of them myself, and I did not care for them to come under anyone's care but my own.

7389. In what way did you take care of them during those bad years?
In the year 1878 I began the distribution of seed oats and potatoes, and I think that was, probably, before any other landlord in Ireland saw what was coming. The disease was bad amongst the potatoes that year, and the oats were worn out. People had been sowing the same crop year after year, and year after year. I began in 1878. I did not give a large amount then, only 500 *l.*, but from that time it went on increasing. In the spring of 1880 I gave, gratuitously, Champion potatoes to the amount of over 500 *l.* on that property, besides a very large supply of oats and of barley. On that property I made arrangements for a loan, rather larger than the one I undertook on the Longford property, in fact, I obtained one of 6,000 *l.*, which amount I expended. That was obtained on the old rate, paying 6½ per cent; then I went in for 21,100 *l.*, on the relief loan; that is the cheap loan, but of that I only expended 2,000 *l.*, returning the third thousand (which was sent to me) in consequence of the state of the country. By that time the agitation had come to such a head, and the state of the country was so hostile and so thoroughly bad in every way, that I could not see my way to laying out money and burdening myself and my successors to help these fellows, who were simply in open rebellion against one.

7390. What is the average size of the holdings on this estate?
I could hardly give the average size, because the property is so exceedingly different, containing some of the finest lands in Ireland; those are the grass lands of Boyle, which are proverbial. There the holdings run to 100, 200, 300, and 400 acres; then, when you come to the mountain side, they would be from 15 to 20 acres; I should say 15 acres is about the average.

7391. Is there any sheep stint on the mountains?
No, none, or next to none; so little, as to be useless.

7392. Do you allow commonage, or is it marked off to each tenant?
There is a small amount of commonage on the grass mountains, but very little.

7393. There is no particular commonage attaching to each farm as in some other parts of Ireland?
No, none, except, as I say, in the case of two or three holdings. There might be 30 or 40 tenants on the whole who are allowed to run two or three cattle on the mountain.

7394. At a ground rent?
No; I could not tell how long it has been going on. The holder of such and such a holding has the right to run two or three cattle on——

7395. Lord *Brabourne.*] Did the agitation affect the larger as well as the smaller tenants?
No, I think not. I think the large tenants did not suffer so much. I mean to say they were not so destitute. They were more inclined to pay their rent, and are still.

7396. Had there been any complaint of the rents before the agitation?
No, on the contrary. My estate has always been quoted as the low rented one of the country; and a man would give almost anything to come in under me and my predecessors from other properties.

7397. How do you stand with regard to Griffith's valuation on that property?
The whole rental is slightly under Griffith's valuation. Griffith's valuation is 40,100 *l.* and something, and my rental is just over 40,000 *l.* In some cases it is very considerably over, and in others considerably below, Griffith's valuation. I do not hold Griffith's valuation to be worth anything.

7398. You know that he is taken as the authority?
It happens to be the case that altogether my rental was just about the same as Griffith's valuation.

7399. You do not take it as being anything, but you are aware, are you not, that it is reported to be something in the report of the Commission, so far, that it is stated to be a decided under-estimate?
Yes, decidedly, as a rule it is so, but I know cases where it is over, though those cases are very few.

7400. *Chairman.*] Is there turbary on this estate?
There is.

7401. Is it dealt with on the same system as on the other estate?
Yes, but that system has only recently been introduced; it has only recently come under my own management.

7402. Have the tenants refused to abide by your arrangements?
No; there were some few instances of attempting to do what they pleased, but I insisted on the law, and have succeeded in enforcing my rights in that matter.

7403. Have you had many originating notices served upon this estate?
No, not many; I have only had 47 upon this property.

7404. Lord *Brabourne.*] This is the Roscommon property, is it not?
Roscommon and Sligo.

7405. *Chairman.*] Have you had many of the cases heard?
I have had five heard; in one case the rent remained as it was; in the others it was reduced 21½ per cent. In those particular cases, where I thought the rent too high, I would have settled out of Court if the tenants could have been induced to make anything like a fair agreement, but they would not do so; they went into Court, and put themselves to expense, and me also; and they were reduced rather less than what I would have given them myself.

7406. Lord *Brabourne.*] Are they satisfied now?
I think that has rather deterred others coming in; on the other hand, on my Longford property, the whole of the tenants are watching the result of the appeals, and if I am upset on the appeals I have not the slightest doubt that every one of the tenants will come in.

7407. *Chairman.*] Of course there has been no appeal on your part in regard to these cases?
No.

7408. Is there any appeal pending on the part of the tenants?
No

7409. Did you attempt to have an arbitration between yourself and the tenants?
No.

7410. You tried to make an agreement yourself with them, did you not?
Yes.

7411. Of course you are aware that the Court will send down a valuer for the purposes of an arbitration?
I am aware that it is so now, but that was not the case at the time that I went in.

7412. Do you think there would be much advantage gained in having such an arbitration as that?
I think on many properties there might be; but I do not think there would be on a property where there is a really good estate valuator, and where the rents are really fair. Another point with regard to the arbitration is this: unfortunately, we know very well that as a rule the tenants would agree to the arbitration if it went in their favour, and they would not agree if it did not; therefore, I should be rather slow to call in an arbitrator.

7413. Marquess of *Salisbury*.] Do they not bind themselves beforehand?
They do.

7414. But they do not abide by it?
Unfortunately the contracts are not always held to nowadays.

7415. When you say they would not agree to it, you mean they simply would not pay the rent?
They would not pay the rent.

7416. They could not go into Court afterwards, could they?
No; I mean to say that that would not afford the peaceable solution that it is intended to do.

7417. Have you many arrears of old date on this property, or on either of your particular properties?
No, there is very little of old arrears.

7418. I mean of arrears before 1879?
No; in 1878, on the one property, the arrears were 761 *l.*

7419. Those may have been cancelled; were they long-standing arrears?
No, very short standing. In 1876 the arrears on that property were 116 *l.* I have not got what the amount was in 1876 on the Roscommon property; I should think it would be about 1,200 *l.*, probably, in that year.

7420. Have you any tenants who would come under 30 *l.* valuation?
I have.

7421. Have you many?
On the Roscommon property the number of tenants paying 30 *l.* a year, and under, who are in arrear of rent to November 1881 is 1,223, and the amount due by them is 7,093 *l.* The probable number that would claim relief is 763.

7422. Seven hundred and sixty-three persons?
Yes.

7423. How much money would they claim relief for?
What they would claim would be 7,093 *l.*; the amount to be obtained from the Government would be 3,558 *l.*, and the loss to me would be 3,535 *l.*

7424. Are they able to pay it, do you imagine?
I think the majority of them would be able to pay.

7425. But of course they could easily prove before the Court that they could not?
With the greatest of ease. I have remitted the arrears of rents to a great many of my tenants during the last three or four years, in cases where they

really could not pay, and where I knew them to be industrious people who had been driven to the wall really by bad times; some of them are widows with large families, and so forth. I am not counting the amount so remitted in my arrears at all. That is wiped out. I remitted over 1,000 *l.* in one year on this very property.

7426. It has not been your habit to hang up bad debts, but to cancel them?
It has not been my habit to allow them to remain until quite lately, and latterly, when other landlords around me were giving abatements, I thought it far better to give employment, and to give assistance with seed, and gifts of cattle and so forth, and such assistance as that; and where I saw, as I say, a struggling man who would have some chance of going ahead if he was free from his debt, I freed him.

7427. Lord *Brabourne.*] From your knowledge of Ireland, do you think the judicial rents will be better paid than the old rents have been?
I see no reason whatever to suppose so.

7428. Do you think the tenant will be content with the reduced rent, or do you think that there is still an ulterior longing implanted in the minds of Irish tenants which has not yet been satisfied?
I think that the reduction of rent has simply impressed them with the belief, or confirmed them in the belief, that they have been far too highly rented all along, and that in most cases they ought not to pay any rent at all.

7429. Then you do not think that the agitators' trade will be stopped by the concessions which have been made?
Not one whit, but strengthened.

7430. *Chairman.*] With regard to this Arrears Bill that is likely to come up soon, is there a hanging gale on your estate?
No.

7431. Are there many of those tenants that you named just now who only owe a year's rent?
They owe about a year-and-a-half.

7432. About a year-and-a-half up to November 1881?
Yes, exactly.

7433. And do you consider that that money would be recoverable?
I consider that the major portion of that money would be recoverable.

7434. Do you mean from the tenant himself, or from the sale of his tenant right?
In most cases from the tenant himself, without the sale of his tenancy.

7435. By giving him time to make good a little, year by year; is that what you mean?
In some cases by enforcing payment, where we know perfectly well that they have got the money and the means; and in other cases by giving them time, as we have, of course, had to do before. Of course in a great many cases there is a medium class of tenant, a tenant who has spent his money, unfortunately, on the Roscommon property, that is very much the case. They have been firmly impressed with the belief that they would not have to pay any rent at all, and instead of paying the landlord, or even paying their shop debts in a great many cases, they have laid out the whole of their money on finery for the women and expensive living for the men.

7436. And those people could not possibly pay, you think?
They would be very hard pushed, certainly. I have a table here of arrears on my Longford property. Here and there you will find one or two townlands in which every man is in arrear, and heavily in arrear. You will find other townlands in which there are no arrears at all. Those do not appear in the list, but you will find one or two where the arrears are due to a system of conspiracy on the Longford property. On that particular townland, which I call attention to,

to, there is about the very best land I have got, and about the most comfortable tenants, and the best taken care of.

7437. Then I may infer that it is not with reference to the class of land that the arrear increases or diminishes, but that sometimes the best land is most in arrear and the worst land least in arrear?
Frequently it is so.

7438. Marquess of *Salisbury.*] Supposing there happened to be a system not of compulsory but of voluntary assistance, and you were offered the half of your arrears in cases where you knew the people could not possibly pay, and the money was irrecoverable, should you refuse that offer?
No, I should not. Perhaps I may go into a little explanation as to that. When the Land Bill was going through the House of Commons, Mr. Forster consulted me as to his Arrears Clause before he put it on paper at all, and I told him at the time, after 24 hours' consideration, that I thought it would do neither very much harm nor very much good. One of my reasons for saying that it would have very little effect was, that I thought the time was far too short, and if Mr. Forster's Clause was extended in time now, I believe that it would be largely availed of, and that it would do a great deal of good.

7439. I wanted to ask you, not with respect to assistance by loan, but with respect to assistance by gift, whether, if you were offered, as a gift, half the arrears which are really irrecoverable, you would refuse it?
If I were the only landlord in Ireland I would refuse it, but as it is I can only say I know what I ought to do.

7440. Do you not think, generally, that the feeling of Irish landlords would be to accept half the arrears which they believe to be irrecoverable?
Yes, I think that it is so.

7441. You do not think that there is any class of landlords who would keep on, or retain, this claim, and refuse half of the arrears, merely for the purpose of asserting power over their tenants?
No, I do not think so indeed.

7442. You do not think that that class exists to any large extent?
No, I certainly do not.

7443. Therefore you do not think that it can be a good or a judicious ground for legislation to assume that the existence of such a class is impeding a settlement of the land question?
I do not think such a class exists, as a class.

7444. It is a libel on Irish landlords as a body, you think?
Certainly.

7445. *Chairman.*] If the Arrears Bill were rendered optional, do you think that a large number of landlords would take advantage of it?
Yes, I think a good many would.

7446. I will put it in this way; do you think that most landlords would take advantage of it, in cases where they thought that there was no chance of payment?
Yes.

7447. And do you think that in cases where they thought there was a good chance of payment, and that they had to deal with a solvent tenant, they would not bring him under the operation of the Bill?
That is rather a difficult question for me to answer.

7448. Lord *Brabourne.*] Have you been in any of the Sub-Commissioners Courts?
Yes, I have twice.

7449. Have you been impressed with the solemnity and propriety with which the proceedings were conducted?
In each case that I have been in they were fairly conducted.

7450. You have nothing to say against them?
I have nothing to say against them on that score.

7451. Marquess of *Salisbury.*] Have you any idea of the principles on which they decide their cases?
No.

7452. Has anybody that you are acquainted with found out what those principles are?
No.

7453. Lord *Brabourne.*] Did they take the landlords' evidence, and hear it as fairly as they did that of the tenants?
Yes, certainly; in my case they did.

7454. *Chairman.*] As to the Purchase Clauses; I believe that the Purchase Clauses under the Act of 1881 have been a failure; is that your view?
I think so, entirely.

7455. Have you had any experience of that matter?
Yes, I have.

7456. Could you state it to the Committee?
Shortly after the Act was passed I put my Queen's County property into the hands of the Commissioners to sell to the tenants; I did not very much think that they would succeed, but wanted to test the Act; and it being a property lying entirely away from my other two properties, and one in which I had no personal interest, I should have been very glad to have disposed of it on tolerably reasonable terms. Mr. Murragh O'Brien gave me an interview upon the subject, and the highest offer that was made by any tenant after Mr. Murragh O'Brien had been down to them, was 12 years' purchase. I saw perfectly well that there was no intention whatever of carrying out the clause at all. It is strong evidence perhaps to give, but it was so perfectly clear to my mind that I cannot help giving it.

7457. Marquess of *Salisbury.*] You mean that the Government, or the Land Commission, had no intention of carrying it out?
None whatever; when I talked of 20 years' purchase on low-rented property, they laughed at me.

7458. *Chairman.*] Do you think there is any inducement to the tenant to buy?
No, I think not; I think he is much better off now than he would be if he purchased the property.

7459. I suppose these offers of 10 or 12 years' purchase that were made were not from the property generally, but isolated cases?
That was the best offer that I had; it was from a man holding a considerable farm; he held about 150 acres of prime land close to the town of Rathdowney; in fact it was rather a question whether it was not a town park, it was so advantageously situated. It was extremely low rented, owing to the tenant being the representative of the man who had been the middleman over the entire property. When the property came into my hands I took all the under tenants directly under myself, lowering their rental thereby considerably, though, of course, rather increasing my own; but the land that the middleman himself had in his own hands, and was actually working, I left to himself, and did not raise his rent, so that he had it at a very low rent; and he offered me 10 years' purchase upon that.

7460. My question was with regard to the form in which this offer was made. You wished, as I understand, to sell the whole of the estate?
I went in upon the clause. I forget the exact provision now which enables the Commissioners to purchase an estate and re-sell it to the tenants, making a charge of so much per cent. on the transaction against the landlord; I forget what the amount of it is, and I have not the papers with me. I considered that

that

that was a much more sensible way of going to work than for me to go through the negotiations with every single tenant for the sale of every single holding, and I wanted to see really whether the Commissioners would carry out that part of the Act or not.

7461. Then they offered you 10 years' purchase for this estate?
No, indeed they did not; they would not offer me anything at all.

7462. Marquess of *Salisbury.*] They talked of 10 years' purchase?
They showed me what the answers from some of the tenants had been, one of those being 10 years' purchase, and they seemed to expect that I was to carry through the transaction, and negotiate with the tenants, and that they were to deduct the 3, or 4, or 5 per cent. They quite repudiated having anything to do with the selling part of the business.

7463. *Chairman.*] You did not get sufficiently far advanced in your negotiations to know what amount of money the Land Commission would advance?
They would not advance any.

7464. But they would have been bound to advance some, surely, under the purchase clauses, would they not?
They ought to have been bound to do so.

7465. Did they say they would not grant any?
They would not go into the transaction at all; they said that the tenants were offering so little, and that I was asking so much, that there was no use going on with the matter at all. They entirely ignored the fact that I wanted to sell to them.

7466. You did not attempt to make any arrangements with the tenants after that as to the sale, I gather?
No; I told the Land Commissioners that I had nothing to do with the tenants. I rested my case with them, and I offered my estate to them to sell on such terms as they could negotiate with the tenants.

7467. Marquess of *Salisbury.*] Has there been much change in the price of produce within the last five or six years; has there been a change for the worse?
Oh, no; there has been a change for the better.

7468. There is nothing in the price of any of the produce, ordinarily produced on Irish farms, to justify the lowering of the rents?
In my recollection we never had such prices as we had last year, and we never had such a price for beef as we have at the present moment. I myself sold beef at 84*s.* a cwt. the other day, and in 1878 I could only get 66*s.* a cwt. for the same quality of beef.

7469. The prosperity of Irish farmers does not depend much upon the price of wheat, does it?
No, not at all. I may mention, with regard to the purchase clauses, that a neighbour of mine, the O'Conor Don, tried to sell a little holding which is interlocked with mine, and he was entirely stopped by the question of quit rents. He could have got 17 years' purchase from his tenants, and the Crown asked 29 years' purchase for the quit rents.

7470. *Chairman.*] What effect do you think recent legislation has had upon the state of the country?
I think it has demoralised it completely; the whole face of the country is changed; the people are entirely changed in every way.

7471. Is that owing to the agitation, or to the legislation?
To the successful agitation.

7472. Successful in having produced legislation?
Successful in having produced legislation.

7473. Has the Arrears Bill had a bad effect do you think?
A most

A most startling effect over the whole of Ireland; I may say that rents were beginning to be paid readily, and almost cheerfully, and the moment that the Arrears Bill was hinted at, a stop came all over Ireland, and, practically, no rents have been paid since.

7474. You gave us us to understand that you had had a reduction in the cases heard upon one property of 21 per cent., and a reduction upon the other property, in the cases that were heard of 29 per cent., as I understand you?
Yes.

7475. Assuming this class of reduction to go on over the whole of your estates, may I ask, would it be inconvenient as regards your charges?
I consider that if matters go on as they are doing now, I shall have lost half a million of money. I put it in this way: a property of 40,000*l.* a year, very low rented, with a good class of tenants, was certainly well worth 25 years' purchase all round, putting it at a moderate rate; I am knocked down 25 per cent. on my rent, and I think you, Lord Waterford, know very well what the effect of the sale of land in Ireland is now; we have come down to 14 or 15 years' purchase, and I think I may safely say that more than a quarter of my rental being knocked down, more than half of my selling value is taken off; it takes off half the value of the property. As a matter of course, that puts one's charges into rather an unfortunate position.

7476. I suppose that during these years that the rent has not been paid, you have found it difficult to meet the outgoings of the estate?
Very difficult.

7477. And the Arrears Bill will not materially assist you, as I understood, from the evidence that you gave before?
As I explained to you, on the Roscommon property the tenants under 30*l.* valuation owe me about 7,500*l.*, and I should lose rather more than half of that, but I should on the other hand get 3,500*l.* into my pocket, which at the present moment would be very pleasant.

7478. Earl of *Pembroke and Montgomery.*] Does that 3,500*l.* include the money which the tenants would have to pay down?
Yes.

7479. The money to which the tenants would have to pay down in order to enable you to receive the Government advance?
Yes.

7480. Do you think it will stop the payment of rent in the future?
Certainly; I cannot see why a man should pay rent for the future, if the effect of his getting into arrear is to be a matter of profit to him.

7481. Therefore you will only be receiving this sum of money down now, with the probability of receiving nothing in the future?
Certainly.

7482. Are you aware of the position of other and smaller landlords than yourself, in Ireland, with regard to their charges?
Yes, very well aware.

7483. What effect do you think the Act of 1881 will have upon them?
I think it would be the ruin of hundreds, in fact, I know it.

7484. Do you mean they will have no margin left?
They will have no margin left. I know one case of a gentleman in a very good position indeed, whose margin unfortunately was only 13½ per cent., and his reductions have been 23 per cent.?

7485. Have the whole of his tenants gone into Court, or only a few?
The majority are in, but only a certain number have been reduced at present. I was talking to him the other day, and he said he saw no reason whatever to suppose that the reduction would not be the same on those yet to come in as on those who had come in.

7486. Then

7486. Then you think that a very large number of landlords will be swept off the face of the earth by the action of the Act of 1881?
I do.

7487. Without any compensation whatever?
Without any compensation whatever.

7488. Now as regards the appeals, I believe the Chief Commissioners have been hearing appeals lately, with two of their number?
Yes.

7489. I understood it has now been directed that one of the two who compose the Court should be a legal Commissioner, and the other a lay Commissioner?
It has, but it will not necessarily be so. I have a case in point, for example, with reference to those nine cases I mentioned in the county Longford; I discovered two or three days ago that Mr. Vernon, whom we may call the Civil Commissioner, is trustee of a very small mortgage upon that property. As such I am informed that he will be precluded from sitting to hear the appeal, unless I can get the consent of the tenants' solicitor, that he shall sit; and in that case I have very little doubt that the appeals will go against me. Not that I wish to question the *bona fides* of the two legal Commissioners, but it is a mere question of the value of land, and Mr. Vernon is the only one of those three Commissioners who knows anything at all about that; and I shall certainly have no confidence in the Commission if Mr. Vernon is not on it.

7490. Marquess of *Salisbury.*] Ought not Mr. Vernon to change his trust?
I am just trying to get that done, as it happens, but it was only by accident that I discovered that.

7491. Surely it is a matter of public duty on his part, as he is one of three persons to whom this duty is assigned, to do that which will enable him to perform all the duty that is brought before him?
I should conceive so, but he had not done it, and had stated that he would not be able to sit.

7492. Earl of *Pembroke and Montgomery.*] But as to matter of value, surely the chief Commissioners are guided by the report of their own valuers that they send down; neither Mr. Vernon nor the other Commissioners visit the holdings themselves, do they?
I do not think they are guided at all by the report of their valuation.

7493. Is that so?
I think that wherever their valuation goes below the rent fixed by the Sub-Commissioners, they are invariably guided by him, though if he goes anywhere above the judicial rent, I do not think they are guided by him; certainly they have not been so where the judicial Commissioners have been sitting alone.

7494. Lord *Brabourne.*] I have had information of a good many instances sent to me in which that is alleged to have been the case, namely, that where the valuator has placed the rent above the judicial rent, the Commissioners have not attended to his recommendation; is that your experience?
Yes, certainly; undoubtedly so.

7495. *Chairman.*] You consider that it would be a farce for the two legal Commissioners to attempt to go into the question of the value of land?
I do.

7496. But I believe they have been doing so, have they not?
Yes, they have been doing so; and the consequence has been a great failure of justice.

7497. Lord *Brabourne.*] They would call people before them, I suppose, who were competent to give evidence upon the value of land, and themselves judge as to the value of that evidence?
Yes; but I think, not being accustomed to deal with land, they are not in a position to sift the evidence when it comes before them, as to the value of the land.

7498. Is there any absolute value in land; is it not really a relative value; that is to say, depending upon the competition of those who desire to have it, and when you have removed that element, where do you find the value?

I think in order to find the absolute value, to a certain extent, you must find what produce it is capable of producing; what the value of the produce is in that neighbourhood, having regard to all the means of transport, convenience of market towns, and so forth.

7499. But even then, is it not a matter of fact that land is of different value to one person to that which it is to another; may not that arise from the position of a person, for instance?

Certainly.

7500. One man may have a farm close by which renders the particular holding of greater value to him than to anybody else?

Certainly.

7501. Many examples of that kind may be quoted, and does not that show that it is impossible to fix the absolute value of land without taking into consideration these things?

Certainly; previous to the Act of 1881 we considered that.

7502. Then is it not a fact that when you have taken away the element of competition you leave it open to a sea of doubt, and controversy, and uncertainty?

Yes, certainly.

7503. Marquess of *Salisbury.*] When you have ascertained what the value of the produce of the land is, in what proportion would you, in the absence of competition, divide it between the landlord and tenant?

It is only a matter of opinion, but I think the landlord should have a third.

7504. Lord *Brabourne.*] Another person might think that he should have half, and another a fourth, might they not?

They might.

7505. It becomes just a question of the individual opinion of the person who has to judge what a fair rent should be, does it not?

Quite so.

7506. With nothing to guide him, and no principle laid down for his guidance?

Quite so.

7507. Then it is not very surprising that the decisions are rather inconsistent one with the other, under those circumstances?

It is not very surprising.

7508. *Chairman.*] As to emigration, I think you stated that a good many of those were small tenants upon the last property that we have been dealing with?

Yes.

7509. Is it possible for them to live upon their holdings in ordinary years, and pay the rents that they have got to pay?

I think that generally mine can do so, but I think that mine are in far better case than those on many properties around.

7510. Do yours come over to England for employment?

Yes, some of them do.

7511. And do not they pay their rent very often out of their earnings in England?

Yes, they do.

7512. Could they live without those earnings?

I think the majority of them could if they worked half as hard at home as they do when they are in England. The fact is they make their money in England, and do nothing at home.

7513. Would the properties around you be benefited by emigration?

Yes, very much indeed. I have had a great deal to do with emigration during the distress times. I was managing the New York Herald Relief Fund; I was

I was on the committee, and I may say that for the last three months I was managing it entirely myself, with the assistance of a secretary. We devoted a considerable sum of money to emigration, and went very closely into the matter. Our endeavours were as far as possible to emigrate whole families, but we found great difficulty in that, and we then selected cases as far as we could where the sending out of the young people would be likely to be followed by their sending for their families.

7514. Were you successful in your endeavours in the whole system you adopted?

Yes, I think, fairly so. There was immense competition for assistance; we could have emigrated twenty times the number of people that we did if we had had the means to go on. I may say that one very curious incident occurred in that way. At the time that Father Nugent emigrated a number of families from Connemara he was violently attacked in many what are called national papers, and also very freely denounced by the leaders of the people in the country. At the very time he was being so abused we had a letter from a parish priest who had been foremost in denouncing him, begging us to send him the means to emigrate 200 families from his part of Connemara.

7515. Duke of *Somerset.*] Are those persons that you emigrated persons who held land or who had small farms, or were they labourers?

They were small cottiers chiefly.

7516. What became of the land when they went away; was it joined to other farms, or what was done with it?

In the parts of the country that I know they generally sold the goodwill for some few shillings, or a few pounds, to a near neighbour. I cannot speak from my own knowledge of what they did in Connemara; that is too far from me; I do not know it.

7517. *Chairman.*] Did you make any arrangements for the reception of the emigrants when they landed in America?

As far as we could we did. I did my best to induce as many as possible to go to Canada, because I was able to make arrangements in Canada to have them met. I found it impossible, from my limited knowledge, to make any efficient arrangements to have them met in New York or any of the United States ports, but in Canada I was able to find responsible people who were able to receive them, and who did receive them, as a matter of fact, and we heard very good accounts from those that I was connected with afterwards.

7518. Then do you think that if the scheme for State emigration which is embodied in the Act of 1881 was properly worked there would be any hope of emigrating large numbers from the distressed districts?

I think immense numbers would emigrate, and I think that it is the only panacea for the present terrible state of the west of Ireland, but I do not think the sum set aside by the Act of 1881 would be of the slightest use.

7519. Of course I refer to enlarging that sum. I merely draw attention to the lines on which the Act is intended to be worked, without specifying any sum of money?

If the means are there, my belief is that almost any number of people will be found anxious and willing to emigrate for the benefit of themselves and to the benefit of the country.

7520. And you would possibly have to deal with the difficulty you had to deal with yourself, namely, that of getting whole families to go?

I think in some cases, or in a good many cases, it would not be so difficult to get the whole family to go, now that they can sell the interest in the farm. At the same time there is a different state of emigration going on now from that which used to exist. I can remember in the old days, the days of the famine, and shortly afterwards, when girls were sent out they used invariably one by one to bring out the rest of the family, at least as a rule that used to be the case, and the young men going out, went out intending to make a home for themselves and for their people after them, if they could. Now-a-days the girls go out, and they generally send money home for two or three years; but they do

do not send it as continuously as they used to do, and they do not bring out their families in the way they used to do. The young men, especially in Connaught, go out very much with the view of making money in America and coming back again. They leave one of the oldest and most feeble members of the family behind to, what they call, "hold the roof-tree." In this case you would find it impossible to get the whole family out. On the other hand, I think, you would find a great many cases where the family would be willing to sell, in order to have a bulk sum of money and go away with it.

7521. I will ask you one more question with regard to your position with your tenants; before this agitation began, I believe, you were on very good terms with your tenants?

I do not think there is a man who was on better terms with his tenants.

7522. May I ask you on what sort of terms you are with them now?

I do not think there is a man on worse terms with them.

7523. Is that owing to your having taken proceedings against them, or merely owing to a feeling that exists against all owners of property in the country?

It is owing to the feeling that exists against all owners of property in the country, and to the fact that I have never given in to the agitation in any one way. I did not give wholesale abatements. I took what I believed to be a proper line, and I have always tried to uphold the law, and do what I believed to be my duty.

7524. Do you think that those who have given in to the agitation, and given unreasonable abatements, have gained popularity by doing so?

They may have gained temporary popularity, but it would not be lasting, and in many cases, I believe, they are worse off than I am.

7525. Do you not think that in many instances they are more unpopular than those who have stood firm?

Yes, I think so now.

The Witness is directed to withdraw.

MR. VERE FOSTER, is called in; and Examined, as follows:

7526. *Chairman.*] I THINK you have had a good deal of experience about emigration, have you not?

I have for over 30 years.

7527. Will you state to the Committee how you gained that experience?

I will, and I will take the liberty of giving a copy of this document, which will explain what I shall say myself, to each member of the Committee who desires it. (*The document is handed in,* vide *Appendix.*) About 32 years ago, after the famine, I came to reside in Ireland, having been in the diplomatic service, I very soon became interested in emigration as a means of relieving poverty and improving the condition of the people, and I sent a good many young men and young women out from the counties of Clare and Louth, including inmates of various unions.

7528. May I ask you how you found the funds to do that?

I did it out of my own funds.

7529. You did it yourself?

I did. I should add that within the last few months I have received the following subscriptions, in addition to 100 *l.* entrusted to me by the Duchess of Marlborough out of the balance of her Relief Fund: The Right Hon. W. E. Forster, M.P., 100 *l.*; Charles Wilson, Esq., Cheltenham, 100 *l.*; Joshua Dixon, Esq., Tarporley, 100 *l.*; J. H. Tuke, Esq., 100 *l.*; Mr. Tuke's Committee, 100 *l.*; Bolton King, Esq., London, 25 *l.*; smaller sums, 25 *l.* All these subscriptions were entirely unsolicited, except that from Mr. Tuke's Committee. I paid their entire expenses. I asked them to write to me and inform me of their success. After waiting some months and receiving no answers, I determined to go to America. I went as a steerage passenger in the largest emigrant ship then in existence, and travelled through nearly every State of America,

and

and I repeated that several times afterwards. My journal of the voyage (*handed in*) was printed by Order of the House of Commons, dated 19th February 1851. I visited in their new homes as many as I could find of the emigrants whom I had sent, *i.e.*, over a thousand. I wrote this little pamphlet (*handed in*) for the guidance of emigrants. I afterwards went to America many times, sometimes twice a year, visiting the merchants and clergy in every small town and large village, and receiving offers, voluntarily from many families to look after any persons whom I should direct to them. Amongst these was the family of the late President Lincoln. I sent a girl to his house; I emigrated parties from Ireland, sending them in sailing vessels, and going myself in a steamer ahead of them, receiving them myself in New York, and taking them up the country to the places where the clergy or other persons had offered to look after them. Then came the commercial crisis in America, and then the Civil War, and I gave up any further operations on the subject until 1880, when the normal state of distress became intensified in the West of Ireland. Then I took it up again; I endeavoured to enlist the sympathies of Mr. Parnell (*copy of letter handed in*), but he did not approve of assisted emigration, so I carried it on myself, though on a limited scale. Instead of paying the whole of their expense across the Atlantic and up the country to their destinations, I paid a portion. I sent circulars round to the teachers of national schools, and to the Catholic Clergy throughout the West of Ireland from Donegal to Kerry, informing them of my intention to give a little money (2 *l.* each) towards the assisted passage of girls only, for I had to limit my operations as to sex, and as to age, and as to locality, from the want of funds of course. The consequence has been that I have received applications from the clergy of nearly every parish in the West of Ireland, from the diocese of Galway, from every parish priest, and every curate except one (who has not opposed it, but who has taken no part in it); from the diocese of Killala every priest and every curate; from the diocese of Achonry the same; from the diocese of Elphin the same; from the large diocese of Tuam the same, every parish priest and curate except two or three; from Kilmore, Ardagh, and Raphoe the same; Clonfert is not quite so unanimous, but three-fourths of the clergy (the bishop was against it) applied to me, and I have received 24,000 applications altogether.

7530. Marquess of *Salisbury.*] Are you a Roman Catholic?

No; I have received 24,000 applications. Now it should be borne in mind that I write no letters to the newspapers, that I do not advertise, that I do not attend public meetings, and that I do not leave home.

7531. Twenty-four thousand applications, that is to say, applications for 24,000 persons?

Applications for 24,000 persons.

7532. *Chairman.*] Your offer was to pay 2 *l.* towards the assisted passage?

£. 2 towards the assisted passage.

7533. And you had nothing further to do with the emigrants after they landed?

Nothing.

7534. Marquess of *Salisbury.*] What was the sum total that you used to pay?

About 8 *l.*

7535. So that you offer about a quarter now?

I offer about a quarter now, but I may say that latterly, this year and a portion of last year, I have paid only 1 *l.*, but I have got value for 2 *l.* 10 *s.* or 3 *l.*, by arrangement with all the steamship companies. It is exclusively girls that I send. I am obliged thus to limit, my aid from want of funds to do more. Their ages must be over 18 and under 30. The applications, as I say, are 24,000, and the average age of the persons who have applied to me is 20½ years, so that they are very close from 18 to 22. I allow them to go by any line of ships they prefer, from any port to any port that they prefer, and at any time of the year that they prefer, which enables them to select ships in which they have friends or neighbours going.

7536. Do they go alone or under any kind of supervision?
They go under no supervision. As I say, I allow them to choose their own time and their own company.

7537. Do not the clergy stipulate for any supervision?
They do not, but the emigrants go almost always with families they know, or neighbours. To enable them to do that, is the reason why I give them their option to go by any ship, from any port to any port, and at any time of the year.

7538. If it has been said that the clergy are opposed to emigration, that does not accord with your experience?
It does not accord with my experience. There has been only one single case in which such a thing happened, and that was very soon altered. A young curate spoke at a public meeting very strongly denouncing me; in a short time I had applications from some young girls of his parish. I said to them "all applications must be supported by the clergy of the applicant; you will oblige me very much if you will get your applications signed by so and so." In the course of a few days the applications came back with the required signature, and he has on the average sent one application every week since, and that is for the last two years. That is the only opposition I have had.

7539. *Chairman.*] May I ask you how may people you were able to send out of the 24,000?
I actually sent 13,000, and there will be 2,000 more now in course of going. The rest of them endeavoured to find the funds, but after many attempts gave it up as hopeless.

7540. During how long a period have you done this?
In three seasons 13,000 have gone, and about 2,000 are sure to go, or are gone probably; the accounts are coming in to me every day.

7541. May I ask if the 8 *l.* which you used to pay on your former scheme included the journey up country?
The 8 *l.* did include the journey up the country; a great many stopped in New York, but as many as possible, I took as far as I could into Wisconsin and Illinois. May I bring under your Lordships' notice an extract from a very short letter (which appears on the 7th page of the document I have handed in) with regard to the feeling of the clergy?

7542. Will you read it?
I will. It is from the parish priest of Carna. "My dear Sir" (it is the end of the letter), "but I say with all the energy of my existence, let the people leave in any and in every way that may take them out of the slough of poverty and misery in which they are at present sunk." And here is a letter I got a week or two ago from the parish priest of Achill Island. He recommends a girl, and says, "She is the first I have asked any assistance for this year, though there are hundreds here who would be off willingly to-morrow morning if they could only get someone to enable them to emigrate. The people all are so very poor that it is only one in a thousand who is able to provide any of the passage money. A few are emigrating, but I have not known one to leave this parish this year except on cards received from America. I could from my soul wish that something was done for this most wretched place. There is scarcely any use in saying it, but it is unfortunately most true that since 1847 there was not such want or destitution felt in this parish."

7543. Marquess of *Salisbury.*] How long ago is that?
May 2nd of this year is the date of the letter.

7544. I see you have got a number of counties that you name where the clergy help you; have you at all classified the places from which your applicants come?
I have. There are about 7,000 from Mayo, 4,500 from Galway, 3,000 from Leitrim, and the same from Roscommon, 2,500 from Sligo, 2,000 from Donegal, about 1,200 from Kerry, and about 700 from Clare.

7545. I suppose

7545. I suppose all these people are in a state of very great destitution?
They are mostly servant girls. I have had 1,900 applications from Connemara, and the applicants are nearly all gone; over 400 of them came from the parish of Clifden alone, and 360 from the parish of Ross in Connemara.

7546. I suppose, when you say servant girls, you do not mean that they are in receipt of any considerable wages?
Very little indeed, servant girls in the employ of small farmers or sometimes of large farmers.

7547. And belonging to families who are themselves in a state of destitution?
I require them to be vouched to be very poor, of good character, anxious to go, and unable to pay fully their passage; and that has to be signed by their own clergyman in every case. Here is a form that is required to be signed: "List of girls over 18 and under 30 years of age recommended as needing assistance to enable them to emigrate to America. Passages not prepaid and not able to emigrate without assistance from Mr. Foster;" then there is a space for the entry of name, age, townland, and parish. "I certify that the above particulars are correct." That form has to be signed by the "parish priest, rector, or curate." Then I also furnish another form; "assisted emigration I agree and promise to pay two pounds towards the cost of passage of the bearer," so and so; "this amount to be paid on demand, direct to the steamship company in whose vessel she shall have embarked, on receipt of their certificate of her embarkation for America within three months from this date."

7548. Each of those 24,000 represents probably other persons in a state of destitution?
No doubt; I should say that I pay no money to anyone except to the shipping company after the emigrants have embarked. (*The documents are handed in,* vide *Appendix.*)

7549. *Chairman.*] In your previous journeys in America, did you find the people you had emigrated in good situations?
I did.

7550. You were quite satisfied with the result?
I was very well satisfied.

7551. In those cases did you emigrate whole families?
No, I did not. That involves great responsibility, and difficulty, and cost.

7552. Did you emigrate men as well as women?
I did.

7553. Now you have taken to only emigrating girls?
Yes.

7554. Is that in consequence of your thinking that it is the best form in which to apply your charity?
The girls earn the least; they are the least able to take themselves out, and they are usually the most generous in assisting the other members of their families after they have got out

7555. Do you not think it would be a great thing if possible to emigrate whole families?
Yes, but the difficulties are very great both as to cost and responsibility to do it on any very large scale.

7556. I am not now alluding to your own exertions. Of course nobody could expect you to go to such an enormous expense, but I am talking about State aided emigration; do you not think it would be a great thing if the State were able to emigrate whole families?
It would be a very good thing, but the difficulty of providing for the people would I think render the work impracticable on any large scale.

7557. Then I understand from that that you think it would be impossible to emigrate the older people?

It is comparatively very easy to assist individuals; young men or young women, and the excessive emigration of these will find its own level; as soon as they have employment enough at home they will not go I think. I was saying the difficulties are so much less in emigrating single individuals; every Irish peasant almost has friends or relations in America; they go to them in the first instance, and are recieved by them for a week or a fortnight until they can settle down in a place; but suppose it to be families that emigrate, that means six or seven instead of one, and it means also being kept by another labouring man's family for six months perhaps instead of a few days.

7558. You are not afraid then of the effect upon Ireland of sending the bone and sinew out of the country and keeping the old and useless behind?
I think that there is sufficient affection as a rule amongst the people for the bread-winners of the family not to go, and that the influence of the clergy would be brought to bear to induce them not to do so, and that the thing would find its own level, and that when they have employment enough at home they will not go.

7559. But has it not been the case in the past that the able-bodied men and women have left the country, and left in a great many instances their fathers and mothers behind, unable to provide for themselves?
In some instances they will do so, but I do not think as a rule that they would do such a thing.

7560. You have not found that the case with the people you have assisted?
The girls I have assisted have very frequently brought out their whole families after them.

7561. And in the previous assistance, you gave to the men and women alike?
I did.

7562. Did they bring out their families?
A very great number of them have done so.

7563. Therefore you think that your system is the best system, that it does not require the same responsibility in sending a pioneer of a family into the country in the hope that that pioneer may bring the rest; is that your view?
I think that young persons are the only fit persons to emigrate, unless such as have capital, or are sure of being provided for on the other side of the Atlantic; but I do not see how the Government is to provide in another country for the reception of whole families.

7564. Marquess of *Salisbury.*] That could be done in Canada possibly, could it not?
To a certain extent it could be done in Canada, but there is a great indisposition on the part of the people to go to Canada.

7565. On account of their dislike to the British Government, do you mean?
Partly so; but the chief reason is that nearly everybody has relations in the United States, and comparatively few have relations in Canada, and they go to their own relations. Canada, no doubt, is a most prosperous country.

7566. Earl of *Pembroke and Montgomery.*] I understand that you do not look upon these girls in the light of bread-winners at all as long as they are in Ireland, and therefore you would look upon them as the best class of people to emigrate?
They apply to me urgently for help to emigrate, and their clergy apply urgently on their behalf, and they go to better themselves, and to assist their parents and relatives at home.

7567. But they can hardly be looked upon as the bread-winners of the family as long as they are in Ireland, can they?
Oh, no.

7568. In emigrating those girls you are not taking away the bread-winners of the family?
No.

7569. Therefore

7569. Therefore you think they are the best class of people as I understand to emigrate?
I would emigrate both men and young women if I could; but I give the preference to the girls, because they are the least able to get themselves out, and because, as I say, they are generally the most liberal in sending home help to bring out their brothers and sisters and parents, if they wish to go.

7570. *Chairman.*] I should like to ask you whether you carry on the system of emigration for the purpose of benefiting the people you emigrate, or for the purpose of benefiting the country generally.
For both purposes. I look upon it that those who go, go to better themselves, and that their going renders it easier for the others that they leave behind them to get a living.

7571. If the bone and sinew of the country go it does not make it easier for the people left behind to get a living, does it?
That will find its own level. They will not go as soon as there is employment enough for them in Ireland.

7572. You think that in a Government scheme for emigration the Government should make some arrangement about the reception of the emigrants on the other side?
No, I do not see how they can do it in another country.

7573. In Canada they could, could they not?
Yes, in Canada they could.

7574. Do you think they could not in America?
I do not see how they could.

7575. Could not they have an agency in America and send the emigrants to the agency, and the agent be bound to make arrangements (as you did) for the reception of the emigrants?
I apprehend that that would have to be done by the Government of the United States.

7576. Lord *Brabourne.*] Or with the permission of the Government of the United States, the English Government could carry on such an agency, could it not?
I hope so, but I doubt it.

7577. *Chairman.*] Do you think that the anxiety for emigration has increased or diminished since the agitation?
It is hard to say. I think it is about the same. The desire is the same. The co-operation of the clergy has decidedly continued to increase during the past three years.

7578. During the three years of the agitation?
During the three years of the agitation which has prevailed, at the same time that I have been carrying on my operations in those three seasons.

7579. You are dealing, I suppose, entirely with the West of Ireland?
Entirely with the West of Ireland, from Donegal to Kerry; the whole of Connaught and the counties of Donegal, Clare, and Kerry.

7580. You would not propose emigration from the other parts of Ireland?
I doubt whether the funds would be found, otherwise it would be desirable.

7581. But you do not consider that the rest of Ireland is in the same stagnate state as the West, do you?
No, not nearly so much so. I do not see how the poor people in the West of Ireland could get sufficient food for themselves and families even if they paid no rent at all.

7582. Do you mean that they would not be able to live without coming over to England and gaining a livelihood by English labour?

That has been the great means of supporting them and enabling them to pay their rent; that is to say, coming over to England, and going back again for their own harvest, which has been a very common practice for the people of Mayo and Galway.

7583. Have you studied the clause of the Act of 1881 relating to emigration?
I did read it, but I did not think it was practicable, and it has been found that that is so, and there has not been a single application, I understand, for assistance under it.

7584. Do you think it would be advantageous for the State to amend that clause and make it workable?
I think it would be advantageous to give the money (say 3 *l.*) towards the passage of each adult, with, say an extra 1 *l.*, to be paid to them at the port of embarkation for other expenses.

7585. You think that would be largely taken advantage of?
I say 3 *l.*, because there has been some suggestion that half the passage should be paid, but the half varies very much. The full fare by nearly every steamship company to the United States is six guineas. The fare to Canada for persons going to settle in Canada is 3 *l.* only instead of six guineas. It is said that the Government of Canada give further assistance to the extent of 1 *l.*, which brings it up to 4 *l.*, though I believe myself that that assistance is a myth.

7586. Marquess of *Salisbury.*] What does the cheapness result from, or what is this relative cheapness caused by?
The difference in the competition; but the cost of passage to Canada is very uncertain for the emigrants; they are told that the fare to Canada is 3 *l.* (that being an assisted passage), the Government of Canada giving another 1 *l.*, bringing it up to 4 *l.*, but if they go to Quebec, with a desire to go to the United States, the fare is not 3 *l.*, but 6 *l.* 6 *s.* I say if the Government were to give half the fare, as I have seen proposed (authoritatively, I believe) in a clause supplementary to the Land Act, the sum would vary; it would be 3 *l.* 3 *s.* to the United States, and 1 *l.* 10 *s.* to Canada; then the fares are liable to vary; there may be a break up of what is called the Conference of the Steamship Companies; those companies have been, for the last three years, I understand, charging only 3 *l.* to German passengers going from Liverpool to the United States, whereas the fare for English or Irish passengers has during that time been 6 *l.* 6 *s.* There is great competition in Hamburgh and other German ports, and in order to meet that competition all our Liverpool and Glasgow, companies reduce their fare to 3 *l.*

7587. Do you imagine that to be remunerative?
As they do it by the hundred thousand I suppose it must be a little remunerative.

7588. It is surprising that if it should be remunerative the competition has not already by this time reduced the English fare to the same level, is it not?
Well, there is a ring; there is a sort of trades union amongst all the steamship companies to keep up the prices. Before that trades union was established the fare used to rise at some times of the year to 8 *l.* 8 *s.* or more, and fall at other times of the year to 3 *l.* I have sent passengers to New Orleans, at a time when the passage took 90 days, for 2 *l.* 5 *s.*

7589. Did it rise suddenly on the formation of this ring or conference?
They entered into an agreement to charge universally, at all times of the year, by all lines, 6 *l.* 6 *s.*, and they have kept that up for many years now.

7590. Is this done by the companies which are at the same time charging, from Hamburgh to New York, 3 *l.* 3 *s.*?
Not from Hamburgh to New York; they come from Hamburgh, and pay from Hamburgh to Liverpool, and then they charge them 3 *l.* from Liverpool to New York.

7591. So that at Liverpool the German is charged 3 *l.* and the Englishman 6 *l.* 6 *s.*
Yes; at some times of the year they break through that a little; this year, I think,

think, they have broken through it, and charged them a little more; that would be in the thick of the season, which is in March, April, and May.

7592. Has it not been found practicable to make any ring with the Germans?
The English companies want to compete with the Germans.

7593. They have not found it their interest to coalesce with the German companies, because the same operation might obviously be repeated upon the German emigrants?
I do not know as to that.

7594. You do not know why that is?
I do not know why it is.

7595. Earl of *Pembroke and Montgomery.*] Do you suppose it to be the fact that the German emigrants are so poor that it would put a stop to the emigration if they raised the fare?
I think they are very much better off than the people who go from Ireland. It is simply a matter of competition.

7596. Lord *Brabourne.*] Might it not be brought about by some agreement between the German companies and the English?
I think not.

7597. A German arrives at Liverpool, and there can be no inducement to an English company to take him cheaper than any other passenger, unless there is some agreement between the company taking him and the company that has brought him there, can there?
Supposing the fare from Hamburgh to New York is 6*l.* 6*s.*, then the English companies say, we will take you for 6*l.* 6*s.* Half of that is for the fare to Liverpool and the other half from Liverpool to New York.

7598. Marquess of *Salisbury.*] They take them *viâ* Liverpool?
They take them *viâ* Liverpool.

7599. Duke of *Somerset.*] Did you send your emigrants chiefly to New York?
I let them go wherever they please, but, as a matter of fact, they go almost always to New York.

7600. Generally speaking they went to New York, did they?
Generally speaking they went to New York, but a very considerable number went from Galway to Boston, because a line of steamers has through these two summers been calling at Galway.

7601. Did they find employment more readily in the United States than in Canada?
They have their friends and relations there, and that is the reason why they go there.

7602. Marquess of *Salisbury.*] I see that one of the gentlemen whose letters you append, Mr. Wynne, of Killarney, did send some out to Canada?
He did.

7603. He mentions that they were very much pleased with the country, found remunerative employment, and that he has had no reason to regret his choice of that destination?
That is the Rector of Killarney.

7604. Yes, he is the Protestant clergyman, is he not?
Yes.

7605. Do you think that the Roman Catholic clergy give their weight to the United States rather than to Canada?
I have not found that they have expressed themselves more for the one than for the other; but the applicants themselves wish rather to go to the United States because their friends and relations are there.

7606. They generally have some relation to whom they are going?

I think almost always. I do not think their friends would let them go, and I do not think the clergy would let them go, if it was not so. If I paid the whole fare I would feel responsible to provide for them, but as I only pay a portion of it I do not.

7607. Do you know at all what becomes of the girls you send; do you know whether they marry farmers in the United States?
I think they marry their own country people.

7608. Who are not generally farmers?
Who are not generally farmers in America, although they have been so in Ireland.

7609. *Chairman.*] They generally are labourers in America, I believe; Irish people as a rule do not farm land there?
They do not, as a rule, go on the land there, although they have been, as a rule, on land here; they go greatly into the States, for social reasons, in order to be near their own friends.

7610. Marquess of *Salisbury.*] Have you seen much yourself of the population from whom these emigrants are drawn?
I have, though I have not been able to travel about the country these three years. Having received such an immense number of letters, I cannot leave home, and I do not go amongst them at all, but I may say that how I came to have such a large correspondence, and to be applied to (although I do not travel, although I do not advertise, although I do not write letters to newspapers, and although I never attend any public meetings), is because for the last 30 or 32 years I have been very much interested in schools. I have had correspondence, I may say, with all the managers of the national schools in Ireland, and with all the teachers for many years, with regard to the improvement of school buildings, and other matters connected with schools. That is how I was known to them all, and therefore when I sent my circular round to the clergy and to the teachers, I found immediate co-operation.

7611. Do you take these girls to be generally the children of small farmers?
They are generally the children of small farmers, or of cottiers.

7612. Do you know at all whether the families of those cottiers are generally large?
Very frequently.

7613. And their rate of living is very poor indeed, I suppose?
Very much so, extremely poor.

7614. Do they ever eat meat?
Not much.

7615. Do they live mainly on potatoes?
I think so, and on stirabout.

7616. And they are drawn to emigration to America by the knowledge that their friends are there?
Yes.

7617. Have you had any applications from Irishmen living in England?
No, because it is very well known that I only take them from the West of Ireland, Connaught, Donegal, Clare, and Kerry.

7618. Do you ship them all at Cork?
I take no part in that. They select their own port; I adopt that course as being far more comfortable for them; the applications are made to me in ones and twos.

7619. Have you ever had anything to do with a system by which they should repay any portion of that cost?
I have not. I think it useless to put them under that burden.

7620. You do not know of any such system having suceeded?
No, I have no personal experience of such a system. I thought it would be putting

putting a burden upon them, and that it would be better to give it them as a free gift.

7621. Do you encourage them to correspond with you when they are out there?
No, they do not correspond with me.

7622. Do they correspond with their clergymen?
They are not in the habit of writing letters, but they do correspond with their clergy. I have been carrying on this particular plan for about two years and a-half or three seasons already. I have written to the clergy of those parishes from which the greater number have gone, and asked them to have the goodness to tell me what accounts had come from them, and these were the letters I got in reply, and these are all the letters I got; there have been no letters of a contrary description.

7623. Do you imagine, if there was a large fund available for emigration, that the applications would rise to it easily?
I think so.

7624. Do you think there is a very considerable number besides the 24,000 you are acquainted with who desire to emigrate?
Immense numbers.

7625. And that, I suppose, of all ages and both sexes?
Yes.

7626. Some persons have indulged the hope that when the power of selling the interest in a farm is given, the tenant would make use of that power by raising money to enable him to emigrate; has any confirmation of that anticipation come within your experience?
I have had no correspondence bearing on that subject.

7627. You have never emigrated married women, I suppose?
In a few cases I have done so, but almost always the emigrants have been single girls or young men.

7628. You have emigrated some young men?
Not lately, but a great many years ago I did.

7629. Lord *Carysfort.*] Was that objected to by the priests?
Not at all.

7630. Marquess of *Salisbury.*] Have the leaders of the land movement thrown any obstacles in your way?
None.

7631. You are not conscious of any opposition on their part?
I have met with no instance of opposition on their part.

7632. Therefore you are able to say that the idea of emigration is not one that is looked upon by the Irish peasant, or those whom the Irish peasant trusts, with aversion?
I think, perhaps, the shopkeepers and employers of labour are against it.

7633. But not the peasant himself?
Not the poor people who require to be helped, and not the clergy, if it is set about judiciously.

7634. They merely look upon the question as one of spiritual interest, and so long as there is a possibility of the spiritual interests of the applicants being looked after they offer no opposition?
They sympathise thoroughly with the poor creatures, and desire to help the poor people in their parishes; and my correspondence being all private is much more honest than it otherwise would be. I can have greater satisfaction in carrying it on privately than I could have if I were to carry it on publicly.

7635. You are not exposed to the invasion of any political considerations?
I have not met with any opposition. I think I have the sympathy and co-operation

operation of the clergy pretty nearly to a man. Sometimes a clergyman will write to me (very occasionally, only, perhaps, one in two hundred), "I hate emigration, but I cannot help myself; I am besieged from morning to night; and if I do not forward these applications to you I will have no peace." I recollect one such case, but the clergy have expressed themselves generally in the heartiest possible spirit in co-operation and sympathy with the endeavour to aid them to go.

7636. Supposing we could conceive such a thing as the appearance of a considerable number of persons animated by the same spirit, and possessing the same means as you have, do you think they would be welcomed by the peasantry without any reserve?

It would be necessary to act very judiciously; to raise no prejudices; not to take any part in evictions; not to take any part in religious controversy; or in directing them to any particular country. But if they gave them the free choice of going anywhere they liked, and with as little direction as possible, I think the aid would be taken freely; but there might be a good deal of suspicion raised if it was not done very judiciously. If there was any suspicion that the movement was not thoroughly honest, and for their own good, but with an ulterior object, it would not be welcomed, I think.

7637. Earl of *Pembroke and Montgomery.*] There ought to be no compulsion, in fact?

There ought to be no compulsion, certainly not.

7638. Marquess of *Salisbury.*] You think that there should be no idea of its being gratifying to the English Government?

There is no love for the English Government unfortunately.

7639. But would not that be the fact, and would it not be a drawback to the action of the Government, that the people would look upon it with some suspicion?

I do not think it would be a drawback if it was not connected with any direction, or with any process of eviction; if they were simply offered the choice in this way: "We will give you so much help for emigrating to wherever you wish to go," then I think the offer would be taken freely.

7640. But if it was in any way connected with any process for re-possessing the landlord of his land it would not be so popular?

It would be looked upon with great suspicion and would be greatly opposed.

7641. It has been, in fact, your good fortune to keep clear of any political system, has it not?

I have kept perfectly clear of that, and I have the co-operation of the clergy of every denomination, including 600 Catholic clergymen, and 200 Protestant clergymen in the West of Ireland,

7642. And I suppose that the landlords, so far as they were able, would have been willing to help you?

I have not had communication with the landlords.

7643. You have thought it wiser to abstain from such communications, possibly?

My correspondence was with the people, and with the people only and their clergy; but I was quite willing to enter into correspondence with anybody upon the subject.

7644. Lord *Carysfort.*] Do you think the result of your emigration has brought about any reduction in the number of families in those districts, or do you think there is still the same number of houses that there was before you commenced emigration?

I daresay there may be perhaps nearly the same number of houses that there was, but it must be recollected that those girls, if they stopped in this country, would have married and reared families with the prospect of poverty and destitution; whereas, going to America, they marry there, in the natural course of things, and rear up families there, with a prospect of comfort and independence.

ence. If they remained here we would have a great increase of poverty going on from year to year; that is checked by this emigration.

7645. If emigration was carried out with a view of removing a superfluous number of families, do you think that that would meet with any very great opposition, even if it was made comfortable for those sent away?

It would not meet with quite such universal sympathy as the other, but if they had the offer of aid to go immense numbers of them would accept it.

7646. And that would not be opposed by the clergy, you think?

I could not say whether it would be opposed by the clergy or not.

7647. Marquess of *Salisbury.*] Do the middle-aged leave as readily as the young?

Not so readily. They would not so readily acclimatize, and they are rooted more in the soil here. It is the young people that have a notion to move.

Adjourned to Friday next, at Two o'clock.

# *Die Veneris*, 21° *Julii*, 1882.

LORDS PRESENT:

| | |
|---|---|
| Duke of SOMERSET. | Earl STANHOPE. |
| Marquess of SALISBURY. | Viscount HUTCHINSON. |
| Marquess of ABERCORN. | Lord TYRONE. |
| Earl of PEMBROKE AND MONTGOMERY. | Lord CARYSFORT. |
| | Lord BRABOURNE. |

LORD TYRONE, IN THE CHAIR.

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MR. JAMES H. TUKE, is called in; and Examined, as follows:

7648. *Chairman.*] I THINK you have had a good deal of experience upon the subject of emigration?
Yes, I have.

7649. Would you tell us how you came by that experience?
My acquaintance with, or interest in, Irish questions began many years ago, when I was assisting the late Mr. Forster during his arduous work in the famine of 1846 and 1847; and since that time I have taken great interest in Irish quesions; and in the winter or spring of 1880 I again went out. A few of my friends were very anxious when the distress arose at that period that some reliable information should be gained, so as to know, as far as they could, what was desirable to be done; and they suggested to me, that if I wished to go out again they would be glad that I should do so, and administer a small fund which was raised for the relief of the distress.

7650. Do you mean to say that they suggested that you should go to Ireland?
Yes; that was in the spring of 1880, and subsequently I have made severa visits to the west of Ireland, the most recent in March, and again during April and May of the present year. In the last-named visit I was engaged on behalf of the Committee formed at the Duke of Bedford's in March, for the purpose of assisting emigration in the west.

7651. Were you connected in any way before that time with emigration?
Not at all; not in the slightest degree, and I am not now, except so far as regards taking it up from an interest in the people of Ireland. I have no personal interest in emigration whatever.

7652. And you visited the west, I suppose?
I did.

7653. Will you tell the Committee what conclusions you came to?
In the spring of 1880, during that period of sharp distress, I came very strongly and increasingly to the conviction, which had been growing, I think, for some past years, that it was quite impossible for the population to live on the very small holdings, which, as you know, are so numerous in the west of Ireland; and as any one, I think, who was assisting to relieve distress would do, I asked myself, "What is there behind all these ever recurring periods of distress; what is the cause of it all; and are there any means of remedying it?" and in looking at some of the various means which suggested themselves, that of emigration certainly did come very strongly before me.

7654. Did you come to any conclusion as to how it would be best to carry that emigration out, that is to say, whether it should be carried out by State aid, or not?

I came to the conclusion that it was so enormous a question that it was quite impossible for private individuals to undertake it, though they might do so by way of commencement; and I came very strongly to the conviction that it was necessary that the Government should assist emigration; also that whatever the poor law authorities or guardians might properly do in certain districts, that it was an impossibility in the poorest districts most needing emigration, for the unions to bear the sole burden of emigration. Whatever portion they might be able to bear, I came strongly to the conviction that they could not bear it all.

7655. I suppose that you were not in favour of compulsory emigration?
Certainly not.

7656. You were in favour, as I understand, of assisted emigration?
I was.

7657. That is to say, that the Government should pay a portion of the sum required in each case where a man, or a woman, or a family wished to emigrate; is that so?

It was so. As you are well aware, many of the unions are exceedingly poor; take Belmullet; take Newport; take Clifden; take Oughterard; many of these are unions that are so exceedingly poor that it is quite impossible for any large number of persons to be removed at the cost necessary for emigration without some assistance outside of the union; that is the conclusion I came to. Whatever that number actually may be, it is very difficult to say. In the union of Clifden county Galway, in which I have been specially working with the committee (which you may perhaps be aware has been in existence for some little time, and of which the Duke of Bedford is the President), we found that the thousand persons whom we removed from that union would in all probability represent little more than one-fourth of those who would have gone if we had had the funds; that is to say, we were obliged to stop where our funds ended, or with the amount we thought proper to give to that union; and I feel no doubt that 4,000 to 5,000 persons might have been assisted from the Clifden Union out of the 25,000 persons in it, as the demand was so great. They came from all directions; I have had people walk in 50 miles; I have had women walk in 40 miles; many walked in 10, 15, or 20 miles day after day in the hope that it was possible they might get a ticket or a promise of emigration.

7658. Duke of *Somerset.*] What did you give for each person to emigrate; what was the cost of the emigration?

The total cost per head came to a little over 6 *l.* for man, woman, and child on the average.

7659. You did not send one person then?

Our idea was to remove families. The theory we commenced with, and one of the rules laid down by the Committee was, that we should remove families rather than individuals. It is very easy to remove individuals. They can themselves to a large extent go, but when you wish to really lessen the number of holdings in the congested districts, it seemed to us that it was necessary to remove families, and of course if there are six persons in a family, costing 6 *l.* or 7 *l.* per head, it is a very expensive matter to emigrate these small holders of land.

7660. Where did you move them to; did they chose their destination themselves, or did you choose it for them?

We almost always asked them where they wished to go to; we said, Have you any friends anywhere, or where are your friends? and so far as we could we assisted them to those places where they had friends. Many of them, on inquiry, we found had a very slight acquaintance with their friends; and in those cases I think we wisely exercised a little judgment in saying where we would send them to. I had made arrangements in the United States with friends of my own, privately, who undertook very kindly to meet these poor people, and send them to wherever there was the largest amount of work or labour to be found.

7661. Then

7661. Then you had, as it were, an agent, or some one out there?

These were merely personal friends of my own. I wrote out to them to say that I believed there was a number of poor people coming out who wanted some assistance in this way, and they very kindly just formed themselves into a voluntary association (the same as our voluntary association in this country) to assist them.

7662. That would do on a small scale, but if the Government undertook to do it on a large scale, it would be much more difficult to find employment for them, I suppose, would it not?

Yes, no doubt. Then perhaps I might just continue what I was saying. A certain number went to Canada. The Canadian Government made the necessary arrangements through their agents; they met them at Quebec or at Montreal, and forwarded them to Toronto, and there again the agents of the Canadian Government placed the people where they thought most advisable. That, so far as I can see at present, is really the best way of dealing with them. As you are aware, in the United States there is now considerable objection to an Irish emigration, and in some recent letters from my friends they say the feeling is rather strong against them for taking up Irish emigration. As an illustration, I may mention that they endeavoured to form a general committee but were unable to do so from that feeling, that it was undesirable to take any steps to promote Irish emigration at this moment.

7663. Earl of *Pembroke and Montgomery.*] Is that simply because it affects the price of labour, or for some other reason?

It is that so many Germans and Scandinavians are going over, and they prefer the German and Scandinavian element as a labourer. At the same time it is only right to say that every one of the families we sent, so far as I know, were at once placed. In many cases manufacturers, or other persons, paid the fare of the people from the sea-board to the centre of Pennsylvania for instance, or the various little manufacturing villages in Boston, for the sake of obtaining their labour, and placed them in little houses, with their families, at once, which showed that there was no excess of labour.

7664. Viscount *Hutchinson.*] With regard to those that went to Canada, have you been able to trace them in any way?

Very little, for this reason: at first none of the people would go to Canada; they had the strongest objection to Canada; when they found, in the case of the last shipment especially, that we were obliged to limit our numbers, they said, "Send us wherever you like, only let us get out of our misery here."

7665. Duke of *Somerset.*] Why did they object to Canada?

I believe simply because they thought it was a great iceberg. That was the feeling. None of their friends had been to Canada. Many of them had been in different places. We found wherever anyone had gone out and sent home a good report, immediately in that little townland everybody wished to go into that particular district.

7666. Viscount *Hutchinson.*] But had you any negociations with the Canadian Government with regard to provision being made for those people when they went out there. As I understand, the Government, and also some of the large railway companies who give land-grants out there, are prepared to take emigrants, and provide them with houses and certain grants of prepared land on their arrival, taking repayment of the money by an arrangement with the tenant, something like the system in France?

Yes, but I believe they are not quite prepared to take them unless they have money; they will take them if they have a little money. If a man goes out and has 20 *l.*, or a small sum of money, then they will place him upon the land, but they do not at present, so far as we are informed, like to take the very poor people.

7667. They would not take pauper emigrants in fact?

I hardly like to use the word "paupers," because these people are the rank and file of the poorer classes of the district; they are not receiving out-door relief. Perhaps I am limiting the idea of a pauper to one who is receiving money from the rates.

7668. We will not call him a pauper, but we call him one without capital?
My reason for rather objecting to the term is this, that the moment anything is said in America about our sending out paupers, it is at once said, "Very well, we shall send them back," and many of these people would have been sent back unless they had been consigned to someone who had the power to forward them and supply them with a little necessary money to maintain them for a day or two until they obtained work.

7669. *Chairman.*] You mentioned just now that you were in favour of emigrating whole families?
Yes.

7670. You also stated, I think, that you paid the whole money?
We did.

7671. Did you find any cases in which these families or any members of those families were able to find any part of the money?
There were a very few cases indeed; we always inquired as to their means in each case. The relieving officer who took down the lists of those who wished to emigrate in the different districts, made a somewhat strict inquiry as to the means of the people. Some did pay us a very few pounds, perhaps 2 *l.*, or 3 *l.*, or 5 *l.* Those who were well-to-do, of course, did not come to us, but, in fact, we had not only to pay the fares, but we had to pay the car-hire from Clifden to Galway, which is 50 or 60 miles, according as the case might be, from different portions of that large scattered union of Clifden. We also had to clothe a very large number of those people before they were fit to leave. It cost us very nearly 1 *l.* a head all round to clothe these people; they were in rags. Some of them when they came to the union house to have their names taken down have perhaps said to me, "I want money for clothing," and I have said "Why, you have got a decent coat there, and you do not want a coat," and the reply would be, "Indeed it had been borrowed;" and I believe that in a number of cases the people came in borrowed clothes (I have known it in other instances) in order to appear before us fairly decent; but a very large majority of the women came without any shoes or stockings.

7672. Earl *Stanhope.*] Who was associated with you in this inquiry; I do not mean the committee here, but who was associated with you in Ireland?
At first I was entirely by myself, subsequently I was assisted by Mr. Hodgkin, and chiefly by Major Taskell, who continued the work after my return The clerk of the union at Clifden assisted me in the inquiry, and also the relieving officers. Perhaps I ought to say that it was understood when I went to Clifden that the union should find a portion of the amount that was needed for these people. They passed a resolution to find us 2,000 *l.* As you are aware, necessary forms had to be gone through, but after all the necessary formality had been completed, which was all perfectly in order, and then at the last moment, after I had been at work there for a month or so, and sending out people,—had sent out some hundreds indeed,—they passed another resolution rescinding the former one, and left us without the 2,000 *l.*; we expected to spend 7,000 *l.* in that union; we agreed to spend 5,000 *l.*, as against their 2,000 *l.*, but we stopped, of course, after having spent our 5,000 *l.*, and the people who were expecting to be sent by the 2,000 *l.* to be found by the union, were not sent.

7673. *Chairman.*] I would ask you whether it is not possible that some of the applicants for emigration might not have treated you very much in the same way as the union did, and have had funds, or the possibility of raising funds, and pleaded poverty before you in order to get as much from you as possible, to assist them to emigrate?
I quite imagine that to have been the case in a limited number of instances, but I also know that in some cases in which it was hinted to us that persons whose names were on our list for emigration had money, and that they could obtain their own clothing, and I have refused to supply them; or where I have even said, "I will not find you car hire," they have not been able to leave. The poverty of the people, known, I believe, to all the officers of the union and the gentlemen who were associated with us there, or at least who

who came in, was even greater than they thought, but I do not know how it can be otherwise when you have in that Clifden district 4,000 holdings, and 3,200 of those holdings each under 4 *l.* The total amount of arable land under crop in that union for the 4,000 holdings is only 10,600 acres, and when you divide this quantity among the 4,000 holdings, it brings you to this, that you have three-quarters of an acre per holding of oats and an acre and a quarter of potatoes, that is including all the farms, large or small, in Clifden Union. For instance, there is Mr. Mitchell Henry's large farm, and there are certain other large farms, but the total quantity of land under crops in the whole union per holding is not more than three-quarters of an acre of oats, and an acre and a fraction of potatoes. The table I hand in will show the poverty or the character of the townlands of that district more clearly than anything else (*the document is handed in,* vide *Appendix*). From this it will be seen that 25 families, or 157 persons, are living on land valued at 40 *l.* 15 *s.*, at a rental of 85 *l.*, and owing a total of 333 *l.* for rent, and 381 *l.* for shop debts.

7674. Earl of *Pembroke and Montgomery.*] I suppose the greater part of the people upon these small holdings do not profess to make their living on them at all, but by their labour over in England and Scotland?

The Clifden Union is in a very exceptional condition in that way; there are not more than 300 able-bodied men who leave the union of Clifden to come over to England; a very large proportion of them speak Irish, and they are so poor that many cannot find the necessary amount to bring them over to England. That is so in the case of a great many of them at all events, I have found even where a member of a family has been working in England, and where the rest of the family wished to emigrate, that the whole family has stopped because the single fare of the one person from Scotland or from England could not be paid. They had not the means to pay the 10 *s.* or 12 *s.* which would have brought that one back again.

7675. Duke of *Somerset.*] Do you pay the money to the people themselves, or give it to the shipping agents, so as to secure that it is employed for taking them across?

We made arrangements with the shipowners. We had to engage vessels to come into Galway Harbour for the people, guaranteeing to send a certain number of passengers at so much per head. Very few indeed of the people had any money at all except a few shillings, which was given them either on the ship or on landing in America, so that they might have a small amount in hand.

7676. Had you to clothe them as well?

We clothed them as well.

7677. Earl of *Pembroke and Montgomery.*] I suppose, in your opinion, there could not be any possible remedy for the state of things you have described except emigration?

There is just the possibility of some industrial occupation being introduced into the district.

7678. Duke of *Somerset.*] What industrial occupation do you think of?

In their own little way they manufacture a very considerable quantity of homespun frieze of very excellent quality. The people themselves in former years were all clothed in their own very charming homespun goods. As you know, the Connemara dye is famous, whether it be, that the Connemara people are a somewhat mixed Spanish race or not, they are a very superior class of people, very different from the North Mayo people for instance. The women can spin admirably, and are very dexterous at everything they undertake, but there is no employment, that is really, unhappily, the fact.

7679. Earl *Stanhope.*] Is there no fishing off the coast?

The fishing on that coast requires a much larger amount of capital than the people possess. It is a very difficult coast indeed for anyone to use, unless in large well formed fishing boats. Even those who had charge of the gun-boats lying there, who would have been disposed to take the poor people to Galway, said it is so uncertain as to whether we could go before, even to Roundstone Harbour, which is a splendid harbour, that we think you had better not depend upon us to take them. I believe that really is the reason why the fishery of that coast is so impracticable,

impracticable, that the coast is so exceedingly rugged and wild, the harbours are so few, and that every year the people's boats and netting are swept away.

7680. *Chairman.*] With regard to sending out families, did you send out old people; were there many old people sent among those who emigrated?

In some cases we could not refuse to send them out. It was a very difficult question. Perhaps you had a large family brought before you, and many of the members were grown up men and women; some were 22, 23, or 25 years of age, all living in the house together, eight or nine, or six or seven in all, as the case might be; and when the old man or the old woman was to be left behind, I confess I could not say, "You must leave them behind." One naturally said to the younger ones, if you take the old people you have a great responsibility; you must take care to support the older persons. In the case of an old person, if the number of bread-winners in the family did not seem sufficient we certainly did not send them out. In removing families it is exceedingly important to consider each family in this way, as to whether it contains a sufficient number of bread-winners to really support the family.

7681. In those cases did you emigrate any of the family or leave all the family at home?

We usually left the family at home. In some exceptional cases we sent out part, for instance, where there was a large number, perhaps we selected two grown up young fellows and two grown up young women, and sent them out as representing the family. Then two or three were left behind who would be equally able to support, so far as you can call it supporting, the family that remained; and we did so with the general idea that they would send money home to take the others to America.

7682. In sending ont these old people that you say you did send, did you anticipate that their sons and daughters would support them out there?

Certainly.

7683. Or did you anticipate that they would get any work themselves?

There were a few who were too old. Generally speaking they were perhaps somewhere about 60 years of age; men who certainly had some work left in them; they might do a day's work.

7684. May I ask whether you have heard any reports from those you have sent out?

Yes, we have in many cases exceedingly satisfactory reports. Many small sums of money have already been sent by the emigrants, 1 *l.* to 3 *l.*, with the promise of more. I had two or three letters recently which showed that the men who had been very glad to work at 1 *s.* 4 *d.* a day at home, if they could get it, were at once earning 12 *s.* a day. Others have written saying they had 6 *s.* and 8 *s.* a day, and "were as happy as the day is long."

7685. Earl *Stanhope.*] In what way?

In the particular case of the men earning 12 *s.* a day, it was simply in earth-work and tunnel making.

7686. Marquess of *Abercorn.*] Was it in the United States or Canada?

This was in the United States, but we have equally good accounts from Canada. In the case of one fellow I was rather interested about, whom I had information about, the moment he arrived at Toronto he earned 8 *s.* a day.

7687. Earl *Stanhope.*] What was that in?

In that case it was in driving horses, I think, as a car-driver, or something of that kind.

7688. *Chairman.*] Did you say he was getting 1 *s.* 6 *d.* a day at home?

I should think it was nearer 1 *s.* 4 *d.*, from 1 *s.* to 1 *s.* 4 *d* were the wages in that district. The almost entire absence of employment in Connemara is most striking. So far as I could make out, there were only three employers (I have called it five in the account which I have written of the visit in the "Nineteenth Century") in the whole of the Clifden Union who were giving any employment other than that of a man or boy to take care of his horse or to look after his garden. I believe there were only three owners of land in that large union (equal in size to the whole of Middlesex), with its 25,000 people, who employed extra labour.

7689. The farms being all about the same size, nobody was required?
Just so.

7690. In fact, they could not only do the labour on their own farms but on others as well?
Just so.

7691. Viscount *Hutchinson.*] I suppose there was employment on the roads for contractors?
There is one highway through Connemarea, and branching out in two or three directions, but the majority of the people have to go across the bog to their little houses.

7692. Exactly; but these roads have to be kept up, have they not?
Yes, of course those roads are kept up, but the traffic is so slight that there is but little road-mending, and the material is hard granite; so that I think labour on the roads must be at a minimum.

7693. The county surveyor has very little to do, you think?
I think so, in that way.

7694. *Chairman.*] I suppose you think it is an absolute necessity in any scheme of emigration that there should be some office on the other side for the purpose of arranging for the people after they land?
I think it is absolutely necessary, if you remove families, that you should have some arrangement for them on landing. If you remove individuals, strong men and strong women, there is such a demand for them that they would at once be taken off.

7695. I suppose as you have given this evidence about families you are of the opinion that you are doing much more good to the country by moving whole families than by moving individuals?
I feel so, very strongly; I admit that it is an extremely difficult question, because so many families are not in a condition to be removed; that is to say, the number of bread-winners in the family is too small. We are constantly warned, "Do not send over a family with only one bread-winner"; for instance, you must have two at least, two men or two boys above 14, or something of that kind, or there must be a certain proportion above 12. It increases, as is evident, very much indeed the difficulty of dealing with families and selecting them.

7696. I suppose there would be no objection to sending out a young man and his wife with several children?
One or two children.

7697. Not more?
I think if he had six or seven children, unless under previous arrangement or favourable circumstances, that it would be undesirable, from what we hear.

7698. We had some very interesting evidence from Mr. Vere Foster, whom you may have met?
I know him, and have the pleasure of his acquaintance. It is impossible to over estimate the value of his noble work.

7699. He was rather, I think, against the removal of whole families?
Yes.

7700. And his reason for that was, that he thought that it was a very great responsibility to remove them?
I grant it.

7701. I do not think he thought it was injurious to the country; is that your opinion?
I consider it most advantageous when carefully conducted; it is an immense responsibility, and if no arrangements were made on the other side I think no emigration ought to be encouraged of families. It is absolutely necessary, I believe, that some arrangement should be first of all made for families. I am quite aware of that difference of opinion between Mr. Vere Foster and myself. We have often discussed the subject. His system is a perfectly easy one and a most

most useful one in many ways; at the same time it does this, it clears whole districts in Ireland of young women. He only assists young women, or nearly wholly confines himself to emigrating young women; it is true that this will prevent a family springing up in the overcrowded districts; every one of these girls at once goes into service, and there is no responsibility upon Mr. Vere Foster's shoulders whatever; he simply gives them the ticket, and there his responsibility ends; he knows they will get work at once; but in removing families you certainly must make some arrangement on the other side.

7702. And in addition to that, I suppose that in removing a family you have to pay the whole cost, whereas, Mr. Vere Foster showed us that he could emigrate a whole county very nearly of young women, without paying more than a fourth?

Yes. You will see that if we only moved one person in a family, and all the little funds in the family were devoted to the additional fare and clothing of that one person, it would be very easy for a family to send him or her out under Mr. Vere Foster's arrangement. If we have to pay for the whole, as we have, it makes a very large sum to be found for the family.

7703. Did you hear any complaints as to the way in which these emigrants were treated on board ship?

In the two first vessels there were no complaints whatever; in the third vessel in which the emigrants went out under the care of a priest, Father O'Donnell, of Liverpool, we have heard some complaints of want of food or proper feeding. I have been corresponding on the subject within the last two or three days. Father O'Donnell says there is no cause of complaint; two or three of the people themselves have complained rather strongly.

7704. Duke of *Somerset.*] What vessel was that?

That was in a vessel called the "Winnipeg."

7705. Did it come from Glasgow?

No, from Liverpool; it went into Galway Harbour for us, she is a regular emigrant ship.

7706. Being a regular emigrant ship, it was looked after by the Government, was it not?

I presume so.

7707. Now as to these poor unions, I do not suppose the union would be able to send the people out, the union is too poor to do that, is it not?

Some of the unions are undoubtedly too poor. Our object was to assist the very poorest unions. Taking the four unions that we endeavoured to work in (Oughterard, Clifden, Newport, and Belmullet), three of those unions have been assisted to a very considerable extent by the Government during the last few years, and in unions only just saved from bankruptcy you could hardly expect willingly to levy any heavy rate for emigration, at the same time the cost per head per family for one year in the workhouse is just about equal to the cost of emigrating that family; that is to say, it costs about 8 *l.* per head per annum in the Irish workhouses, and we may roughly say that 8 *l.* is the cost of emigration; it is the cost of moving an adult, at any rate.

7708. What you have done has been done upon a benevolent system, but would it work in the same way if the Government undertook it?

I believe it will be absolutely necessary for those districts for the Government to undertake it in some way or other.

7709. What is your notion of the number that you could send in a year?

I feel it exceedingly difficult to come to judgment on that question. Taking the five counties in the West which are the most impoverished at the present time, about 25,000 people emigrate from those districts every year. They are chiefly from the rather better class, who can find a little money. Many of them are these that have been assisted by funds sent from America or by Mr. Vere Foster. My own impression is that another 25,000 might very properly be assisted from the same districts in the year without difficulty, if an arrangement were made on the other side for their reception.

7710. You would make those arrangements in Canada, as I understand?
I should as far as I could. There is no reason, if there is a great demand for labour in the United States, why we should not send some to the United States.

7711. Then you would rather send single men, I suppose, than families to the United States, would you not?
I think it would be preferable, if single people are sent out at all by Government funds.

7712. Earl of *Pembroke and Montgomery.*] I take it, from what you told us just now, that the Government in most cases would have to pay the whole outfit of families going out in those very poor districts that you were talking about?
I think they would, very nearly. I suppose if some portion had to be found (according to the idea of the clause in the Arrears Bill, 5 *l.* per head is to be found by the Government, and the rest by the union), I think it is probable that the difference between this and the actual cost would be found in some unions but certainly not in others. The unwillingness of the shopkeeper guardians to lose their hold upon the people is so great that they will not vote money for emigration.

7713. Marquess of *Abercorn.*] Do you find that the emigrants like going, or do they go unwillingly?
All went in the most undoubtedly willing way. Indeed there is no power to compel them or make them go. It is purely voluntary. The difficulty was to select from those who did want to go.

7714. Then there is some change come over them; a few years ago they were unwilling?
The change that has come over the people is most extraordinary.

7715. Earl *Stanhope.*] You have written an article in the "Nineteenth Century," I believe?
I have.

7716. And in that article I do not think you mention how many unions there are which, in your opinion, should be dealt with?
Of course I do not confine my idea to four or five unions in the slightest degree. The committee with whom I worked were necessarily bounded by the small sum at their disposal, and thought it necessary to confine their work to the four unions. As to the number of unions that require help, I believe it would be found that at least 25 unions—portions of unions—require help.

7717. After that answer may I put before you the Government amendment to the Arrears Bill, which is shortly coming up to the House of Lords?
Yes.

7718. You will observe that there are five unions mentioned in the Schedule, and the Member for Liverpool suggests a longer list?
Yes, I understand from Mr. Rathbone that he withdraws his amendment in favour of the Government clause.

7719. It is only the schedule of places that I refer to?
The Government has adopted what I felt was a much wiser plan, that is to say, they have taken a certain number of counties, and say that portions of unions or electoral divisions in those counties require help; and although they have not positively scheduled them, they give the Lord Lieutenant power to make grants outside the five unions scheduled.

7720. This is the Government Schedule, and these are the five places that the Government have scheduled? (*The document is exhibited to the Witness.*)
Then that is the alteration made since last evening.

7721. Yes, it is since last evening; but what I want to elicit from you is whether that comprises all the unions that ought to be dealt with?
My own feeling would be that it is very important to add certain other unions or portions of unions, it would be impossible to say exactly what these are, and the wider area is a very much better one. As you are aware, the principle of

of the Irish union rating is to levy the rates over the electoral divisions, and you may have in the same union exceedingly well-to-do electoral divisions, whilst the very poorest electoral division may have the highest poor-rate and the least power to help itself. The rates vary from 4 *s.* to 2 *s.* in the same union. In Oughterard Union, for instance, they vary from 5 *s.* to 2 *s.* 6 *d.*; take Camus, you would require in the electoral division of Camus (on which there is a rate of 5 *s.* 6 *d.*) to assist the largest number of people, and according to the present system of levying the poor rate, in all probability it would double the poor rate, or it might treble it, to move any considerable number, and so it would be in certain other unions outside the five, which are undoubtedly those which most need help.

7722. Do you think it is likely that the unions will exercise the power that is now proposed to be given to them of raising a loan in order to further emigration?

It would come very much to this, I believe, in many of them: is it less cost to us to do this than to support the people on the poor rate? At the present moment, as I found in Clifden, the shopkeepers, who are the guardians, are bitterly opposed to emigration, for this reason, that all the people who are emigrated owe them money and are their customers. I have sometimes been arguing with a shopkeeper, who perhaps has been opposing some man going out, and I have been saying, how is it possible for you to get anything out of that man, who is 40 *l.* in debt to you and 30 *l.* or 40 *l.* in debt for rent; how is it possible when the whole of that man's belongings, as you know perfectly well, are not worth 10 *l.* or 15 *l.*, for you to do so. I have heard him say, "I can get a shilling out of him, and I would rather he would remain here in his poverty than that he should go." One has heard that kind of coarse, unfeeling remark, whether it was actually meant or not.

7723. *Chairman.*] That was a shopkeeper, you say?

Yes, it was.

7724. It was only among the shopkeeping class that you have heard that?

Certainly that kind of remark.

7725. Duke of *Somerset.*] But the shopkeeping class are the guardians, are they not?

They are.

7726. Therefore they are the most important class, because it is necessary to get their consent to let the people go?

It is undoubtedly so, and that makes me feel that it is extremely difficult to foretell the course they will take.

7726.* If the pressure of the poor rate is so heavy as to make the guardians feel, "Well, we are going to pay a 10 *s.* or 12 *s.* rate," and that is to continue with this enormous out-door relief, or whatever it is, I think they would then undoubtedly say, "We had much better go and borrow for 30 years." You see at once the difference in the strain upon the union of an annual charge per head, or levying it over 30 years, as they would do under this Act?

I think many of them would at once say, "Yes, we will borrow the money;" but if I may venture to say so, I have a very strong feeling that it would be most important, nay, essential,—seeing that the Lord Lieutenant has some power given him under one of those clauses,—that in the unions which are scheduled he should also have power of directing that a grant should be made, if he thought fit, to some other body than the guardians.

7727. What body would you suggest?

The Lord Lieutenant, I think, would be able to find parties who would carry it out. I think it is hardly for me to suggest who they should be.

7728. Viscount *Hutchinson.*] Would not the 32nd Clause of the Land Act meet the case. The Land Commission is empowered to "enter into agreements with any person or persons having authority to contract on behalf of any state or colony"?

Quite so.

7729. You would give a similar power to the Lord Lieutenant, I suppose?
Yes. That was in the case of a loan. I would apply the same principle to the grants proposed to be made in the arrears Bill.

7730. *Chairman.*] May I ask you whether in empowering some other body than the Board of Guardians to raise a loan——
It would not be raising a loan. In the case of those unions where a grant of 5 *l.* per head is made, which required that the guardians should borrow 1 *l.* or 2 *l.* a head, in addition, the Government would say, "These are the unions in which we propose to grant 5 *l.* a head on the application of the guardians; and my feeling is that in some of those unions, where you had guardians absolutely dead against emigration, the guardians would not apply, because they would say, from the feeling of which I have just spoken, We will not assist to emigrate the people; and in such a case I should like to see the Lord Lieutenant have the power to say, I will grant the 5 *l.* to some other body; say, to the Commission suggested in the Bill, or whoever else the Lord Lieutenant may appoint, who would have to supplement the grant.

7731. The Lord Lieutenant might say, "I will grant 5 *l.* to some other body," but who is to pay the interest of the loan?
If I understand it aright, the 5 *l.* is an absolute grant; it is not a loan. It is a grant of 5 *l.* a head to certain unions, distinct from the loans which are granted to all unions alike. That is a new clause.

7732. Earl *Stanhope.*] Do you not think that what would make it very effective would be to make it compulsory upon boards of guardians to emigrate the people, and then the difficulty you have mentioned about the objection of the shopkeepers would be overcome, would it not?
I am told that it is contrary to the principle of the whole theory of the poor law to make it compulsory upon the guardians to levy rates for emigration. You may make it compulsory, I am told, to levy rates for the relief of the poor, but not for emigration. I put that question to the Vice President of the Local Government Board in Dublin, and he said "We cannot do that; it is opposed to the whole theory of the Poor Law Acts."

7733. Otherwise, it seems where there is, as you have mentioned, a large population of starving people, to be a very judicious course that they should be sent to a country where they could earn their living?
Quite so; and that is why one would feel it to be a very reasonable power, but I am told it does not exist; but if there are, as in the poorest unions, a large number of people wishing to go, and the guardians did not choose to exercise the right of using their power to apply for a grant, or borrow, the view I had was that the Lord Lieutenant ought to have the power of appointing someone else to do the work, and to whom the grant of 5 *l.* per head might be made.

7734. Lord *Brabourne.*] Would not that be contrary to the principle of the Poor Law also?
I believe not, because there would be no rate levied at all. The individuals or persons to whom the grant was made, whoever they were, would have to find the difference between the 5 *l.* and the actual cost.

7735. Where is the fund to come from, if not from the rate?
I am imagining that a voluntary association, such as that I have had the honour of working with, to be still existing or continuing, or that the Lord Lieutenant made arrangements with someone else for the purpose.

7736. But if the refusal of the guardians to make a rate resulted in the falling back upon voluntary contributions, and if it were efficacious, would not that be a temptation to them generally to refuse?
It is a very difficult question to answer. The whole system of assisting a Poor Law Union seems to have somewhat that influence.

7737. There is great difficulty, is there not, in blending a compulsory rate with voluntary action?
There is, but this would not be a compulsory rate at all. We are speaking of the case of unions where there was a direct grant which was not to be

repaid; a grant made by the Government. The union might apply to have this grant; we were supposing the case of the guardians of a union who said "We will not part with the people," and who therefore will not apply, though it might not cost them a penny.

7738. It was only a question of not being willing to part with the people?
It was.

7739. In that case you would have some other authority coming in to deal with the matter, and be able to put guardians aside?
I think so.

7740. Viscount *Hutchinson.*] Do I understand you to say that most of the guardians in the Connemara unions are shopkeepers?
Yes; of course there are *ex-officio* guardians.

7741. I put them aside altogether. I mean in the electoral divisions?
They are the little shopkeepers, and a few of the rather better class of farmers; generally speaking the bulk of them are little shopkeepers.

7742. But the ordinary farmer (if you can call him a farmer) of Connemara does not aspire to the post of guardian, or at all events, if he does aspire, he does not get elected, does he?
Very rarely; I am speaking of course of that district. In better unions you have farmers elected.

7743. It comes to this, that these boadrs of guardians have very nearly a direct interest in keeping the people there?
That is so.

7744. Earl of *Pembroke and Montgomery.*] But surely that is not so in reality; it must be really an advantage to them to get rid of this poor population, because the population would be better off then than it would be even if more numerous?
That is so if they could see it; it would be an immense advantage to them undoubtedly. It is far better to have five well-to-do people than to have 10 starving people in a district, but they do not see it in that light.

7745. Earl *Stanhope.*] May I ask how many persons you think your society has been the means of assisting to emigrate?
We have assisted altogether about 1,500 people; men, women, and children.

7746. And how many families?
About 200 families I suppose it would be. At five persons each that would be a thousand, and probably the remainder would be individuals of one, two, or three out of a family.

7747. That means 200 holdings vacant, does it not?
Yes.

7748. What has happened to those 200 holdings?
To a large extent those holdings have been added, or will be added ultimately, no doubt, to the little holdings all round. I should say that a very large number of the people we assisted had been evicted; they were lying out on the hill sides or where they could get.

7749. Were their previous holdings occupied or vacant?
Their holdings were vacant, and many of them going to ruin.

7750. *Chairman.*] In an answer you gave just now, you said there was a great change in the feelings of the people with regard to emigration; when you first went to Ireland were the people averse to emigration?
No, I think not averse to it, but two years ago they had not come to the conclusion that emigration was the only means of relieving themselves from the terrible position which the loss of crops caused three years ago. Ordinarily a certain number emigrated from those districts yearly, but the potato crop had been fairly good for a number of years, and consequently they had not felt that pinch of poverty that they have felt lately.

7751. I allude more to your first acquaintance with Ireland, which dates a good many years back, does it not?
Yes, it does, as far back as 1846-7.

7752. What was the feeling of the people with regard to emigration at that time?
It is very difficult indeed to say. You will remember the extraordinary difference between 1847 and 1848 as regards the proximity (if one may so say) of America; then the first steamers were only just going across, and the families who were evicted during those years of the famine did go over, as we know, by thousands, but then it was felt by them to be a banishment; it was a compulsory movement; they did not wish to go, undoubtedly, at that period, and that has left so much bitterness.

7753. Then to come to later times, when the bad times came again in the west, there was still a feeling, as I understand from you, against emigration?
I should not say a feeling against it, but it was bounded in very many cases, I should think, by the people not having the means to do it. If you will look through the emigration returns you will see that they are almost a gauge of the poverty, or the reverse, of the districts. In well-to-do years the number who leave is small, but in years of bad trade (supposing the American trade to be good at any rate) the number who leave is large.

7754. I wanted to get at how you accounted for that statement, that the feeling of the people had changed?
I think, three years ago, taking Clifden as an instance, there was a great deal of employment in kelp burning; now that has nearly ceased; then there has been a gradual diminution of the crops of that district. The crops have been inferior for three years, and there has been a gradual diminution from some cause or other of the amount of grazing land which these people have. They have gradually, from the three causes combined, I think, come to the conclusion that it is impossible for them to live there any longer.

7755. Viscount *Hutchinson.*] How do you account for the diminution of the grazing land?
I think that more land has been let in large grazing farms.

7756. You mean land that they had the right to run their stock on without paying for it?
Yes; that which allowed the people in those miserable holdings to have two or three head of cattle has been gradually restricted, and the consequence is, they have only one or two head of cattle, and many are without a cow.

7757. *Chairman.*] These people then have come to the conclusion now, you think, that emigration is the only thing for them?
Undoubtedly.

7758. And, therefore, you think that this is the moment when a State-aided emigration would be most effective?
Just so.

7759. Have you come across the feeling of the priesthood with regard to emigration at all?
Yes, in a very many cases. I can, perhaps, hardly quote anything stronger than the expression of a Connemara priest: "I say, with all the energy of my existence, let the people leave in any and in every way that may take them out of the slough of poverty and misery in which they are at present sunk." That is written by a Connemara priest.

7760. Did you ever, in your experience at a previous time, come to the conclusion that the priests were not in favour of emigration?
Certainly; and, as a body, they are not in favour of emigration.

7761. Not now?
No.

7762. That is only an individual instance then that you quote?
It is.

7763. But Mr. Foster gave us evidence the other day from a very large number of dioceses that the priests were in favour of it?
They are in favour of it in single cases; any of them will send a number of boys and girls from their districts, but the moment it comes to emigrating a family they do not like it.

7764. Lord *Brabourne.*] They do not like to lose a household?
They do not like to lose a household.

7765. *Chairman.*] Therefore I understand from you that the population are very much in favour of emigration now, you might also say, for the first time?
Quite so.

7766. And that the two classes who are against it are the shopkeepers (who are in those very poor districts the poor-law guardians) and the priests?
Yes.

7767. Is there any other class that you think would be inclined to go against the emigration of families?
No, I think none at all. The priest is only partially so. You may find the priests in some districts, such as Oughterard, divided in opinion; there the rector is in favour of it, and his curate is so bitter against it that he would scarcely speak to me, but his superior asked me to assist him to emigrate one or two people; it is an individual feeling.

7768. Earl *Stanhope.*] Did you get the applications for emigration signed by the priest, like Mr. Foster did?
No, we did not.

7769. You did not think that that was necessary?
I suppose I should not have had them signed at all, in most cases, had that plan been adopted. The way it was done was this. The clerk of the union and the inspecting officer of the district gave directions to the relieving officers in going round their districts to inquire whether any of the people really wished to emigrate; not that it was at all put before them that they were wished to emigrate in any way, but they were asked "Do any of you wish to emigrate?" The result was that in a week, in that one union, there were more than 1,000 persons whose names were brought to me. In the little town of Clifden alone one-fifth of the population actually asked to be emigrated.

7770. Viscount *Hutchinson.*] What is the population of Clifden?
One thousand five hundred.

7771. *Chairman.*] You gave us information as to the way that the families you sent out to the United States were getting on, but I do not think you have told us how the families that you sent to Canada are getting on?
The simple reason is that they went out last, and we have hardly had so much opportunity of hearing, but I saw a letter yesterday from some of the people, saying that they were doing very well, and were quite satisfied.

7772. Do you think if the people that you have sent to Canada are happy and make a sufficient livelihood out there, that there is any likelihood of Canada becoming more popular in the districts you have been working in?
I have no doubt of it, and it is what I am very anxious to see, that is, that these people who have gone out should be thoroughly well treated, and be successful, in order that it may set the fashion or set the tone in favour of Canada.

7773. You do not think that there is any feeling against Canada as an English possession?
Amongst the people where I was working it was purely ignorance of Canada.

7774. And nothing to do with the fact that in the one case they would be under the American Government and in the other case that they would be in a colony of England?
Not at all.

7775. It is merely ignorance you think?
I believe so.

7776. And, therefore, if that ignorance is cleared away by letters from their friends who have got on successfully in Canada, you think that feeling against Canada may be removed?
I think so.

7777. Have you any further information as to emigration that you would like to give the Committee?
I think not. This is perhaps rather an instructive Table as showing the condition of one townland in Mayo, with the actual assets and liabilities of each holding. It gives the quantity of land under all the different headings, and the amount of stock, and the amount of debt. (*The document is handed in*, vide *Appendix*.)

7778. And the other one you handed in relates to the Clifden Union, showing the population, poor law valuation, and the number of families?
That is only a portion of the Clifden Union, and is intended to show the very large number of families on a very small valuation. Here are 6,000 people, or 1,000 families or more, living on holdings so small that the total valuation is 6,000 *l.*, or 2 *l.* per holding.

7779. Lord *Brabourne.*] This last Table which you handed in shows, I see, Griffith's valuation at 40 *l.* 15 *s.*, and the rent at 85 *l.* 8 *s.* 2 *d.*?
It is so. (The townland in Mayo is referred to).

7780. That is rather more than double the amount of the valuation?
Yes.

7781. Then it shows that there are in almost all instances three years, four years, five years, and in some cases six years of arrears of rent due?
It does.

7782. The total amount of rent due being 333 *l.*; I see that you also show that 381 *l.* are due for shop-debts?
That is so.

7783. Have you any means of knowing whether the shop-debts generally in the district you are acquainted with bear that proportion to the rents due at all, or are they larger or smaller?
This may perhaps be rather an excessive proportion, but I believe it would be found that the rent and the shop-debts run very much side by side.

7784. Is there any reason in the circumstances of the country that you know of why one class of debts should be swept away, and the other class of debts left to be recovered?
I do not know that there is, but the principle of the Arrears Bill acknowledges that the debts on the land have a prior claim to those of the shopkeepers.

7785. The debts of the rent are a gradual accumulation of a fair charge for allowing a man to have possession of your property, are they not?
Yes; or it may have been too high and therefore unfair.

7786. The debts of the shopkeepers are debts incurred owing to the shopkeepers allowing an amount of credit and trust, which, perhaps, was scarcely provident, though it might have been kind; is it not so?
Just so. My feeling is, that it is quite impossible for the shopkeeper to get his debts paid. If I were a shopkeeper in the West of Ireland I should only be too glad to have an Arrears Clause by which I had 5 *s.* in the pound paid to me.

7787. Supposing that any measure put the tenant in this position, that he was free of the arrears of rent which were due from him to his landlord, if this Table at all represents the state of affairs throughout Ireland he would still have a heavy millstone of debt to the shopkeepers around his neck, would he not?
He would. I have frequently said that it wants a simple Insolvent Debtors' Court

Court in which rent and shop-debts might be all brought in, and met in a fair manner in reference to priority of position.

7788. And, therefore, any measure which dealt only with one class of debts, and not with the other, putting aside the question of justice or injustice to the particular class of creditors, would still leave the tenant with a heavy weight of debt around him, which he would no more be able to discharge than he would if it had not been touched?

Undoubtedly; it would leave him with the shop-debt, but my impression is that the trader looking at this man as a continuous customer will not come down upon him as was suggested the other night in the House of Commons, and at once sweep the district. His feeling is to keep these people, and to get a few shillings out of them.

7789. Viscount *Hutchinson.*] With an ultimate eye to the land, perhaps?

It may be so, I am not fully informed. Hitherto he has had no eye to the land; of course he has not had the chance in this district.

7790. Lord *Brabourne.*] He would keep his debt hanging over the farmer's head with a view to some ultimate advantage to himself, and at all events keep the tenant within his power, would he not?

He would, undoubtedly. If he kept the tenant there at all, it would be with the idea of getting something out of him.

7791. Then the shopkeeper would be in much the same position, or in no better position than the landlord, who is accused of keeping his arrears hanging over the tenant, in order to have power over him, would he?

The landlord does not wish to keep these tenants. The landlord, equally with the tenant, has now come to the conclusion in these districts that he should not have these small tenants; he is very anxious to lessen the number of tenants on his estate.

7792. But it is very often alleged, is it not, that the landlord allows arrears to accumulate so that he may have a hold over the tenant?

I have not heard it or seen it alleged.

7793. A great many things are alleged probably which, in your practical experience, you would not admit to be likely?

Just so.

7794. Earl *Stanhope.*] What do you mean by an Insolvent Debtors' Court; do you mean that the tenant should be declared bankrupt and compound with his creditors?

It seems to me, looking to such a statement as that put in of the Mayo townland, you are only half doing the work. You still have this man in an impecunious position. How is that to be met? In England, under the Insolvent Debtors' Act, or in some way or other, these people would undoubtedly be freed from the burden of this debt. It is too costly, or it is not the mode of dealing in the west of Ireland, and the shopkeeper simply hangs on and does not press for a settlement as a shopkeeper in England does. He says I shall get a sixpence or a shilling out of this man, or I shall be able to sell him a bag of meal at double the price, and get some of the debt back in that way." I believe that is the argument in their minds.

7795. I suppose the shopkeeper would be very well pleased if the debtor were declared bankrupt and paid something?

I have had two cases of that kind brought to me where I had been obliged to decline to allow a man to go in consequence of the extreme opposition of a guardian. One man who owed money in this way, bye-and-bye brought a statement showing that he had paid 6*s.* 8*d.* in the pound, and that the shopkeeper now allowed him to leave; and I have no doubt they would be very thankful to allow many to go under such circumstances.

7796. Duke of *Somerset.*] As you have had some experience in emigrating of people, would you tell us what is the time of year that you generally advise them to go?

They

They ought to go as soon as ever the frost leaves either Canada or America. The beginning of March to the end of May for different parts of the country is the best time; we might send a few families now, but as you will see they will hardly earn wages enough to enable them to live through the long winter, and it is very important that the work should be done in March, April, and May, and the earlier part of June for them to begin to gain money for the winter.

7797. Do I understand you to mean that there seems to be no limit to the number of people you could send to Canada if you had a person there to arrange with them?

I am hardly able to answer that question as to the limit. As to Canada and the United States, it does not seem as if there were any limit at this moment.

7798. In the United States they refuse to have them, as I understand you?

They do not refuse, but they do not wish to make any arrangement or association for meeting them. There is a very excellent arrangement at Castle Garden, New York. I can hardly call it a Goverment association, but it is an association by which the immigrants from all countries are looked after by their own special agent or countryman. There is an Irishman who meets the Irish immigrant; there is a German who looks after the Germans, an Italian for the Italians, and so on; they are all met and cared for, and are all sent on directly to places where there is work to be found.

7799. I understand you to say they do not like the Irish coming there, but that they like the Germans much better?

That is perfectly true; I was speaking of the willingness or unwillingness of parties to co-operate for sending them out or meeting them. By this association at Castle Garden, an arrangement paid for in part by the shipping companies and partly by the City of New York, is made to send them on direct, whoever they are; but as to making an arrangement with the United States Government, or with private individuals in the United States, I believe it would be now impossible. Through this agency at Castle Garden emigrants would be forwarded in any number if there was a demand for labour.

7800. Marquess of *Salisbury.*] If it is not asking a startling question, to what do you think the poverty of these districts is due?

I think very largely to the simple fact that people are attempting to do the impossible, that is, they are trying to live out of these extraordinarily small holdings. That is the cause primarily.

7801. There are more people than the soil can support?

There are more people on a given quantity of land than it is possible to support out of the land without other employment.

7802. If that land was cultivated very highly, do you think there are more people than it could support?

Taking the Clifden Union, I have already stated that there are only 10,000 or 11,000 acres of arable land out of 195,000 acres (an area the size of Middlesex) under cultivation, or which is supposed to be suited for cultivation.

7803. No application of capital to that parish would enable the present population to live upon it, as I understand you?

It would be quite possible for anyone who chooses to do as Mr. Mitchell Henry has done, namely, spend a very large amount of money in improving his estate, to bring that bog land, or portions of that bog land, favourably situated, into fairly cultivated land.

7804. Would that be a remunerative operation?

I think not

7805. Of course by the application of capital, one means the remunerative application of capital?

I believe it is impossible in those districts; I have come to that conclusion.

7806. Then if you were to present the people with an additional amount of capital, the land would not in the long run be able to maintain the population at its present rate of growth?

It would not.

7807. And so if you swept away the landlord altogether and presented the tenants with the land in the long run, or in a very short run, it must come to the same result, that the land would not support the population?

The question of mere rent, I was going to say, has hardly an approximate bearing upon the question whether these people can live or not. When people are paying 1 *l.*, 2 *l.*, or 3 *l.* a year, the mere fact that they pay 1 *l.*, 2 *l.*, or 3 *l.* a year does not make the difference as to whether they can live or not. The question is whether the people being unable to cultivate more than perhaps an acre and a quarter of potatoes, and three quarters of an acre of oats, can or cannot simply live out of that without other employment.

7808. Then whatever opinion you may form as to measures that have passed, or that may pass with respect to land, or in whatever way you manipulate the rent, would you regard any treatment of that question as even for a short time a final solution of the difficulty?

For that fringe of unions on the Atlantic no Land Act can really solve the question. The gift of the land would not, I think, enable the people to live who are attempting to live on those small holdings of land.

7809. The poverty, in short, arises from the peculiar geographical situation of the country, which has made emigration unusually difficult?

I think the poverty of the people must prevent them from emigrating, or they would have emigrated more than they have done.

7810. Would not the emigration have commenced before the poverty commenced, if facilities existed as they do in some continental countries?

I take it that the poverty of the district has been for years and years so great that they could not find the necessary means to emigrate in families. Here and there an individual has left in the districts we have been speaking about (the five counties), but about 20,000 or 25,000 have left annually for some little time; and in reply to a previous question from the Chairman, I said I thought that another 20,000 or 25,000 would require to be sent out of those who could not find the means to go.

7811. And if they are not sent out they will become more numerous, I suppose?

Certainly, and the poverty of the district will become intensified.

7812. Therefore whatever difficulties may surround the question if we wish to remove this plague of Irish poverty, to the system of emigration we must gird ourselves up at last?

Yes, undoubtedly. The questions always hinges upon this: what number of families can be taken properly and placed (we will say) in Canada each year. If Canada cannot take more than 20,000 people, or whatever the number is, annually, you see it limits our exportation, or it limits our assisting people to that extent.

7813. Do you imagine, from what you know, that either the United States or Canada are near a point at which the cup would overflow?

Not at this moment.

7814. And that there must be many years before us before that difficulty will hinder us?

That would entirely depend upon the state of trade in America.

7815. It would not upon the area of unoccupied land, you think?

Only partially, because these people do not all go to cultivate the land; a very large number of them go to industrial employment of various kinds. Very few have the means to buy the land.

7816. Then I suppose if the industrial employments are not open they go to land in one form or another, do they not.

The diminution in industrial employment affects the demand for labour. Five years ago the emigration from Ireland fell down to one-half of what it is to-day, simply because the demand in America fell off.

7817. The mere question of unoccupied land would not enable you to send an unlimited number of persons to Canada or the United States, would it?
I think not.

7818. I suppose you have had no experience of emigration to Australia?
Not at all.

7819. Do you know at all what the relative cost is?
I cannot say sufficiently nearly to be of any service.

7820. Earl *Stanhope.*] Do you know the ratio of the increase of population in Ireland annually?
In Connaught it is a ratio of diminution.

7821. Marquess of *Salisbury.*] By reason of emigration?
By reason of emigration.

7822. But what would be the natural increase, assuming people to remain?
I could not say what it would be. In ten years there has been a diminution of something like 20,000 persons in Connaught.

7823. Earl of *Pembroke and Montgomery.*] Supposing the Government were to carry out a scheme of State aided emigration, they would have to prescribe that each family should have a minimum outfit per head, would they not?
Yes, that I believe is now done. The Local Government Board is very strict indeed on that question as to the proper outfit.

7824. What is it per head for adults?
It varies largely; we found that it cost at least 1 *l.* per head, that is including men, women, and children. It is more under the Local Government Board when emigrants are sent from the workhouse.

7825. You talked just now about the possibility of introducing industrial employment into these very poor districts as an alternative to emigration. I should like very much to know how you account for the fact that capitalists have never taken advantage of a country where labour is so very cheap, and, as you have told us also, where the people are so very intelligent?
One great reason undoubtedly is the difficulty of access. We had to convey all the emigrants by cars and carts 50 miles to Galway; necessarily, if goods have to be taken 50 miles by land carriage, or coal, it adds immensely to the cost. Undoubtedly one of the great wants of that district is to be opened out by railways.

7826. Are there any harbours in the vicinity of Belmullet, of which I think you were speaking?
Yes, there is a capital harbour at Belmullet, but I was speaking of Galway and Clifden.

7827. And you look upon that as the real reason why capitalists have never taken advantage of the cheapness of labour in that part of the country?
That and the absence of coal; there is no wood either; peat is the only fuel, and it requires a very great expenditure of capital to compete with Lancashire and other places where the coal is close at hand.

7828. And do you say that practically there is no remedy whatever for such districts except emigration?
None unless some simple industrial occupation could be imported, or the manufacture of frieze increased. There might be a little done in that way; it is quite possible that some small manufacture might be established, but not, I believe, sufficient by any means to really employ the population.

7829. Not until railways are made?
Not until railways are made.

Adjourned to Tuesday, 1st August, at Twelve o'clock.

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# A P P E N D I X.

## Appendix A.

PAPER handed in by Sir *Samuel Hayes*, 15 June 1882.

### Sir S. Hayes' Estate.

Table showing, 1. Government Valuation; 2. Old Rent; 3. Valuator's Value; 4. Judicial Rent.

| Government Valuation. | | | Present Rents. | Sir S.'s Valuation. — Nolan's Valuation. | Judicial Rent. |
|---|---|---|---|---|---|
| £. s. d. | | | £. s. d. | £. s. d. | £. s. d. |
| 52 10 – | Lurgy - - - | Fletcher - - - | 62 – – | 64 – – | 50 – – |
| 28 15 – | Knockbrack - - | M'Kenny - - | 42 – – | 41 2 4 | 32 10 – |
| 23 – – | Ditto - - | Ditto - - | 28 – – | 29 10 10 | 23 – – |
| 8 – – | Dooballagh - - | M'Anair - - - | 13 5 – | Not valued | 10 7 7 |
| 28 15 – | Trianavinny - - | Lockhart - - | 36 – – | 39 19 – | 28 7 6 |
| 7 10 – | Dooballagh - - | Strain - - | 9 10 – | Not valued | 6 – – |
| 2 5 – | Creggan - - - | Gallagher - - | 3 14 6 | 9 3 6 | Undecided. |
| 10 10 – | Cappry - - - | O'Donnell - - | 14 10 – | 15 16 11 | 9 10 – |
| 17 5 – | Lettermore - - | Reed - - - | 19 10 – | 22 2 8 | 15 10 – |
| 14 – – | Munalabbin - - | Freil - - - | 17 15 – | 19 12 3 | 13 10 – |
| 11 15 – | Cappry - - - | Dogherty - - | 13 3 – | 13 7 9 | 10 – – |
| 5 15 – | Dooish - - - | Higgins - - - | 6 10 – | 7 19 1 | 5 15 – |
| — | Lettermore - - | Loghery - - - | 4 15 – | 4 3 2 | 3 14 – |
| 10 10 – | Cornagillagh - - | M'Dade - - - | 10 – – | 16 6 – | 9 – – |
| 11 10 – | Mullaghfuin - - | M'Ghee - - - | 15 10 – | 14 7 10 | 11 5 – |
| 7 15 – | Callan - - - | Donnell - - - | 9 2 4 | 12 2 10 | 8 – – |

7 June 1882.

*W. H. P.*

## Appendix B.

PAPER handed in by Mr. *R. Wade Thompson*, 15 June 1882.

| Names of Tenants whose Rents were fixed by Sub-Commissioners. | Landlords' Valuators' Valuation. | Old Rent. | Government Valuation. | Judicial Rent. | Amount of Reduction on Old Rent. | The Tenant-Right or Value of Holding Fixed by Sub-Commissioners. |
|---|---|---|---|---|---|---|
| | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. |
| Thomas Harrison - - - | 3 11 6 | 3 3 – | 2 15 – | 2 10 – | – 13 – | 20 – – |
| Anthony Culkin - - - - | 5 – 2 | 3 14 – | 3 5 – | 2 10 – | 1 4 – | 20 – – |
| John Judge - - - - | 8 8 9 | 7 17 – | 6 5 – | 6 5 – | 1 12 – | 50 – – |
| Henry Melvin - - - - | 8 12 8½ | 7 8 6 | 7 – – | 6 – – | 1 8 6 | 48 – – |
| *Luke Durkan - - - - | 11 14 – | 8 – – | 7 2 6 | 9 – – | Raised 1 *l.* | 65 – – |
| Thomas Reap - - - - | 3 8 9 | 2 16 6 | 3 18 – | 2 – – | – 16 6 | 16 – – |
| William Ruane - - - - | 7 2 – | 5 10 – | 4 15 – | 4 15 – | – 15 – | 38 – |
| Thomas Durkan - - - - | 10 5 4½ | 9 2 – | 7 10 – | 6 11 – | 2 11 – | 52 8 – |
| P. and J. Judge - - - - | 15 6 7½ | 14 10 – | 9 10 – | 11 17 6 | 2 12 6 | — |
| | 73 9 10½ | 62 1 10 | 52 – 6 | 51 8 6 | 11 12 6 | — |
| *Luke Durkan's holding deducted from above, as the Rent of this holding was raised by Sub-Commissioners - - - - | 11 14 – | 8 – – | 7 2 6 | 9 – – | — | — |
| Total (in cases where the Rent was Reduced - £. | 61 15 10½ | 54 1 10 | 44 18 – | 42 8 6 | 11 12 6† | — |

† The reduction on the total of the old rents in these eight cases amounts to about 22½ per cent. Taken separately, they vary, but the reduction in some of them amounts to over 30 per cent.

## APPENDIX C.

### PAPER handed in by Mr. *Hussey*, 22nd June 1882.

### COPY of CONVEYANCE referred to in Q. 5437–5439.

I the Right Honourable HENRY ORMSBY one of the Land Judges of the Chancery Division of the High Court of Justice in Ireland under the authority of an Act passed in the Twenty-second Year of the Reign of Queen Victoria intituled "An Act to facilitate the Sale and Transfer of Land in Ireland" and of the Acts amending the same in consideration of the sum of Seven thousand two hundred and seventy-five pounds by Samuel Murray Hussey of Edenburn in the county of Kerry Esquire paid into the Bank of Ireland to the account of the said Land Judges and to the credit of *the Estate of Henry Leigh Pemberton* Trustee for Sale under the Will of HENRY B. HARENC *deceased Owner and Petitioner* in part discharge of the purchase money of Thirty thousand two hundred and seventy-five pounds for which the said Samuel Murray Hussey purchased the hereditaments hereby granted and in consideration of the further sum of Twenty-three thousand pounds by the Reverend Edward Arthur Litton of Naunton Rectory in the county of Gloucester in England Clerk John Turnly of Drumnasole in the county of Antrim Esquire and Lorenzo Weld Hartstonge of Mountjoy-square in the city of Dublin Esquire on behalf of the said Samuel Murray Hussey paid into the said bank to the account and credit aforesaid in discharge of the remainder of the said purchase money of Thirty thousand two hundred and seventy-five pounds *do* with the assent of the said Edward Arthur Litton John Turnly and Lorenzo Weld Hartstonge testified by their respective signatures hereto Grant *unto the said* SAMUEL MURRAY HUSSEY *the lands of Aghabeg West Aghabeg Middle and Aghabeg East* containing One thousand three hundred and sixty acres three roods and thirty-four perches statute measure or thereabouts *the lands of Ballinvoher* containing One hundred and forty-eight acres one rood and fifteen perches statute measure or thereabouts *the lands of Ballintogher* containing Two hundred and eleven acres two roods and twenty-three perches statute measure or thereabouts *the lands of Rylane Knockmeal and Coolaneelig* containing One thousand four hundred and five acres two roods and fifteen perches statute measure or thereabouts *all situate in the Barony of Clanmaurice and County of Kerry* and described in the annexed map with the appurtenances to hold the same unto the said Samuel Murray Hussey his heirs and assigns for ever *subject to the several leases and tenancies* rights of turbary and other rights in the First Schedule hereto annexed set forth and also subject to the several rights of way and water and other rights and easements set out in the Second Schedule hereunto annexed and also subject as to the said lands of Ballintogher to the lay tithe-rentcharge of Two pounds sixteen shillings and six pence charged thereon but indemnified against payment thereof by the lands of Ballyeagh situate in the Barony of Irraghticonnor and County of Kerry which have been sold subject to same in exoneration and indemnification of said lands of Ballintogher And I the said Right Honourable HENRY ORMSBY as such judge as aforesaid under the authority and for the consideration aforesaid do also grant unto the said Samuel Murray Hussey all rents which accrued due out of the lands hereby granted under the leases and in respect of the tenancies referred to in the said Schedule since the Tenth day of August One thousand eight hundred and seventy-eight (being the day of the sale of the said land) so far as the same remain due and unpaid In witness whereof I the said HENRY ORMSBY have hereunto set my hand and the seal of the said Land Judges this Twenty-ninth day of August in the year of Our Lord One thousand eight hundred and seventy-nine.

## APPENDIX D.

PAPER handed in by Mr. *A. Fitzmaurice*, 22nd June 1882.

ESTATE of Captain PHILIP C. NEWTON, County *Carlow*.

| Townland. | Tenant. | Area Statute Measure. | Poor Law Valuation. | Present Rent. | Judicial Rent. | Observations. |
|---|---|---|---|---|---|---|
| | | A. R. P. | £. s. d. | £. s. d. | £. s. d. | |
| Rahanna - | Patrick Walsh - | 46 2 14 | 22 – – | 42 – – | 31 10 – | 25 per cent. off. |
| | Ditto - - - | 33 0 5 | 5 – – | 16 18 – | 10 – – | 35 „ |
| | Thomas Doyle - | 82 0 24 | 36 10 – | 52 – – | 43 – – | 17½ „ |
| | James Whelan - | 16 0 31 | 6 15 – | 12 10 – | 7 10 – | 40 „ |
| | Bridget Doyle - | 32 1 23 | 16 5 – | 23 16 5 | 17 10 – | 30 „ |
| Cranagh - | Bridget Doyle - | 51 1 32 | 12 10 – | 20 – – | 14 – – | 30 „ |
| | John Ryan - - | 38 3 20 | 9 5 – | 17 9 4 | 12 – – | 30 „ |
| | Pierce Hayden - | 37 2 1 | 9 10 – | 15 10 – | 11 10 – | 25 „ |
| | William Hayden - | 112 0 30 | 21 – – | 50 13 – | 32 – – | 35½ „ |
| | Michael Whelan - | 50 1 0 | 17 15 – | 36 6 – | 24 – – | 35 „ |
| | James Whelan - | 19 3 19 | 6 – – | 9 7 4 | 6 10 – | 30 „ |
| | Patrick Murphy - | 54 1 34 | 16 10 – | 38 7 4 | 25 – – | 32½ „ |
| | | 574 3 23 | 179 – – | 334 17 5 | 234 10 –<br>100 7 5 | 30 per cent. off. |

# APPENDIX E.

## PAPERS handed in by Mr. *Dunwoody*, 22nd June 1882.

### ESTATE of ROBERT CROOKSHANK, Esq., and others, County *Monaghan*.

| Denominations. | Quantity Statute. | Poor Law Valuation. | Old Rent. | Judicial Rent. | Observations. |
|---|---|---|---|---|---|
| Ardaghey: | A. R. P. | £. s. d. | £. s. d. | £. s. d. | |
| Francis McAdam - | 15 3 35 | 12 – – | 14 14 – | 10 15 – | — |
| Patt Macklin - - | 16 1 30 | 11 10 – | 13 7 4 | 10 – – | — |
| Anne Clerkin - - | 11 3 25 | 8 5 – | 8 13 6 | 7 10 – | — |
| | | £. | 36 14 10 | 28 5 – | |

The above is an old estate, where rents have not been changed for over 50 years.

### ESTATE of EDWARD RICHARDSON, Esq., County *Monaghan*.

| Denominations. | Quantity Statute. | Poor Law Valuation. | Old Rent. | Judicial Rent. | Observations. |
|---|---|---|---|---|---|
| Seveagh: | A. R. P. | £. s. d. | £. s. d. | £. s d. | |
| Margaret Hughes - | 10 2 17 | 12 10 – | 13 15 3 | 10 – – | — |
| John Todd - - - | 18 1 22 | 19 10 – | 23 13 – | 18 - – | — |
| Teravera: | | | | | |
| Arthur Boyland - - | 11 3 03 | 10 10 – | 15 4 3 | 10 10 – | Purchased subject to present rent. |
| Bernard Boyland - | 22 0 37 | *13 10 – | 24 15 9 | 16 – – | — |
| Francis Boyland - - | 14 1 15 | 12 5 – | 16 1 9 | 12 15 – | Purchased subject to present rent. |
| Terrycalf: | | | | | |
| Thomas Harvison - | 20 1 10 | 22 10 – | 27 – – | 18 – – | This tenant held under lease made in 1849 at same rent. |
| William Harvison - | 9 2 0 | 9 10 – | 11 5 – | 8 15 – | — |
| | £. | 100 – – | 131 15 – | 94 – – | |

* The Poor Law Valuation in this case forms no standard, as several acres which formerly was turbany have been added to the Holding, and no value put on it in Blue Book.

## E. Richardson's Estate.

| | | | |
|---|---|---|---|
| Number of Tenants - - - - - - - | 41 | | |
| | £. s. d. | £. s. d. | £. s. d. |
| Gross Rental - - - - - - | 851 18 – | | |
| Outgoings: | | | |
| Head Rents - - - - - - - - - | | 91 5 6 | |
| Quit Rent - - - - - - - - - | | 6 19 6 | |
| Rent Charge - - - - - - - - - | | 35 1 7 | |
| Interest on charge of 1,000 *l.* due Miss Richardson, 4 per cent. - - - - - - - - - | | 40 – – | |
| Annuity - - - ditto - - - ditto - | | 40 – – | |
| Ditto - - - ditto - - - ditto - | | 25 – – | |
| Interest on 838 *l.* 9 *s.* 9 *d.* due Miss E. Richardson - | | 41 18 6 | |
| Yearly reductions to tenants - - - - - | | 36 14 1 | |
| Rent of three Farms, unlet - - - - - | | 67 2 4½ | |
| Taxes, Poor-rates, &c. - - - - - - | | 20 – – | |
| Income Tax - - - - - - - - - | | 20 – – | |
| Bailiff's Salary - - - - - - - - | | 5 – – | |
| Agent's Fees - - - - - - - - - | | 42 10 – | |
| | | | 480 19 6½ |
| Net Rental - - £. | | | 370 18 3 |

## Judgment Mortgages lately Registered against Lands.

| | | £. s. d. |
|---|---|---|
| Elizabeth Richardson - - - - - | 19 Dec. 1881 | 424 6 – |
| Belfast Bank - - - - - - | 19 Dec. „ | 724 5 1 |
| Richard R. FitzHerbert - - - | 7 Feb. 1882 | 599 13 3 |
| Total - - £. | | 1,748 4 4 |

Interest on these accumulating.

Mr. Richardson's maintenance yearly - - - - - - - - - - 205 *l.* 13 *s.*

There is also a charge of 70 *l.* 6 *s.* 4 *d.* yearly on the property to the Trustees of his settlement, but this comes back to him, so it need not be counted, and is, in fact, never paid.

## Estate of Henry Owen Lewis, Esq., in County *Monaghan* (purchased by his Father in the Landed Estates Court in 1866).

| | Quantity Statute. | Poor Law Valuation. | Old Rent, Judicial. | Judicial Rent. | Valuator for Landlord. |
|---|---|---|---|---|---|
| Cortahart: | A. R. P. | £. s. d. | £. s. d. | £. s. d. | £. s. d. |
| Patt Coyle - - - - | 21 1 0 | 11 5 – | 12 19 – | 9 10 – | 12 14 – |
| Alice Brines - - - | 13 1 10 | 8 15 – | 8 5 10 | 7 10 – | 9 12 – |
| | | £. | 21 4 10 | 17 – – | 22 6 – |

## APPENDIX F.

PAPER handed in by the Reverend *Robert Walsh*, 27th June 1882.

Land Sub-Commission Court, Ballyvaughan, County Clare, 13th May 1882.

Messrs. REEVES, Q.C., MCCAUSLAND, and O'KEEFE, Sub-Commissioners.

ORDERS of SUB-COMMISSION.

Rev. *Robert Walsh*, Landlord.

| Tenants' Names. | Former Rent for 23 Years. | Poor Law Valuation. | Judicial Rent. | Value of Tenancy. |
|---|---|---|---|---|
| | £. s. d. | £. s. d. | £. s. d. | £. s. d. |
| Martin Geoghegan | 12 6 – | 9 10 – | 9 12 – | 30 – – |
| Michael Geoghegan | 17 – – | 13 – – | 12 – – | 50 – – |
| Michael Burke (Patrick) | 16 – – | 9 10 – | 9 – – | 50 – – |
| Peter McGann | 25 10 – | 17 10 – | 17 5 – | 100 – – |
| Martin McGann | 14 10 – | 8 5 – | 9 – – | 40 – – |
| Patrick McGann | 12 – – | 7 15 – | 9 – – | 50 – – |
| Patrick and Peter McGann | 34 – – | 22 10 – | 22 – – | 40 – – |
| Andrew Flanagan | 21 16 – | 16 5 – | 15 – – | 70 – – |
| Honoria O'Connor | 17 – – | 12 10 – | 11 5 – | 55 – – |
| TOTAL £. | 170 2 – | 116 15 – | 114 2 – | 485 – – |

## APPENDIX G.

PAPER handed in by Mr. *Joseph Wright*, 27th June 1882.

STATEMENT of DECISIONS on Estate of *William Henderson*, Esq., purchased by Trustee in 1871.

| Denominations and Tenants' Names. | Quantity Statute. | Poor Law Valuation. | Old Rent. | Judicial Rent. |
|---|---|---|---|---|
| | A. R. P. | £. s. d. | £. s. d. | £. s. d. |
| Charles O'Neil - - - - | 12 3 9 | 9 10 – | 14 2 9 | 11 – – |
| Anthony Fitzpatrick - - - | 14 3 17 | 13 10 – | 18 – – | 13 – – |
| James McEntee - - - - | 8 2 32 | 5 15 – | 9 10 – | 7 5 – |
| Philip McMahon - - - - | 8 1 22 | 5 5 – | 7 16 4 | 6 – – |
| Catherine McMahon - - - | 15 1 6 | 14 – – | 17 15 – | 13 – – |
| | £. | 48 – – | 67 4 1 | 50 5 – |

The tenants admitted on the hearing that no change had been made in rents for about 40 years, and did not claim to have made any improvements. Still the rental as purchased by witness in Landed Estates Court has been reduced one-fourth, as the above decisions show.

## APPENDIX H.

PAPER handed in by Mr. *H. A. Johnston*, 30 June 1882.

ESTATE of Rev. RICHARD JOHNSTON.

TABLE of VALUATION and JUDICIAL RENTS.

| NAMES. | Area. | Present Rent. | Government Valuation. | Valuation of M. O'Brien. Letting Value. | Valuation of M. O'Brien. Selling Value. | Valuation of J. C. M'Bride. | Valuation of Thomas Gray. | Judicial Rent. | Valuation of full Commercial Rent by Tenant's Valuer. |
|---|---|---|---|---|---|---|---|---|---|
| | A. R. P. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. |
| Mary M'Atasney - - - | 15 2 0 | 24 - - | 22 10 - | 24 - - | 600 - - | 23 13 6 | 26 - - | 18 10 - | 21 5 - |
| Patrick Moan - - - | 3 3 1 | 5 7 6 | 5 15 - | 5 - - | 129 2 - | 5 12 6 | 6 - - | 4 5 - | 5 5 - |
| TOTAL - - - | 18 5 1 | 29 7 6 | 28 5 - | 29 - - | 729 2 - | 29 6 - | 32 - - | 22 15 - | 26 10 - |

## APPENDIX I.

PAPER handed in by Mr. *S. N. Hutchins*, 30th June 1882.

ESTATE of S. N. HUTCHINS.

NAME of Tenant, with Old Rent, Government Valuation, and Judicial Rents.

| Tenants' Names. | Old Rents. | Government Valuation. | Judicial Rents. |
|---|---|---|---|
| | £. s. d. | £. s. d. | £. s. d. |
| Heffernan - - - - | 102 - 2 | 56 10 - | 75 - - |
| Molony - - - - - | 137 19 2 | 81 5 - | 105 - - |
| Hedigan - - - - | 132 17 10 | 67 15 - | 100 - - |
| Reardon - - - - | 162 6 6 | 83 - - | 125 - - |
| Regan - - - - - | 316 8 1 | 170 - - | 250 - - |
| Nunan - - - - - | 207 19 8 | 117 5 - | 170 - - |
| O'Brien - - - - - | 156 13 6 | 92 - - | 115 - - |
| Jones - - - - - | 78 4 4 | 40 15 - | 55 - - |
| TOTALS - - £. | 1,294 9 3 | 708 10 - | 995 - - |

## APPENDIX K.

PAPER handed in by Colonel *O'Callaghan*, 7 July 1882.

TABLE showing the RENTAL of a Portion of the Estates of Colonel *O'Callaghan*.

| No. | Denominations. | Tenants' Names. | Rental ending 1881 and up to March 1882. | Judicial Rent fixed, June 1882. |
|---|---|---|---|---|
| | | | £. s. d. | £. s. d. |
| 1 | Ballydonahan - - | Judith Balton - - - - - | 10 - - | 7 - - |
| 2 | Ditto - - - - | John Balton - - - - - | 31 - - | 21 15 - |
| 3 | Ditto - - - - | Peter Flanagan - - - - | 59 10 - | 41 10 - |
| 4 | Ditto - - - - | Patrick Malone - - - - | 12 - - | 7 10 - |
| 5 | Ditto - - - - | Garrett Stewart - - - - | 22 - - | 14 10 - |
| 6 | Ditto - - - - | Daniel Callaghan - - - - | 72 - - | 49 - - |
| 7 | Ditto - - - - | Daniel Noonan - - - - | 38 - - | 26 10 - |
| 8 | Ditto - - - - | Patrick Malone - - - - | 40 - - | 29 - - |
| 9 | Ditto - - - - | Patrick Liddy - - - - | 17 - - | 12 - - |
| 10 | Ditto - - - - | Michael Callaghan - - - - | 4 - - | 2 - - |
| 11 | Ditto - - - - | Thomas Fahy - - - - - | 27 - - | 19 10 - |
| 12 | Lisbarreen - - - | Michael Halloran - - - - | 32 13 - | 21 10 - |
| 13 | Ditto - - - - | Henry Murphy - - - - | 30 5 - | 21 - - |
| 14 | Ditto - - - - | John Halloran - - - - | 32 - - | 23 10 - |
| 15 | Ditto - - - - | Catherine Kennedy - - - - | 33 - - | 23 10 - |
| 16 | Ditto - - - - | James Toohy - - - - - | 56 5 6 | 36 10 - |
| 17 | Ditto - - - - | Edmond Malone - - - - | 46 3 6 | 33 10 - |
| 18 | Ditto - - - - | Timothy Collins - - - - | 28 12 3 | 16 - - |
| 19 | Ditto - - - - | Daniel Tade and John Toohy - - | 66 11 3 | 44 - - |
| 20 | Ditto - - - - | Denis Moloney - - - - | 14 - - | 8 - - |
| 21 | Ditto - - - - | Patrick M'Namara - - - - | 22 - - | 15 - - |
| 22 | Knock Brack - - | John Cudmore - - - - | 31 - - | 25 - - |
| 23 | Ditto - - - - | Patrick Cudmore - - - - | 12 - - | 7 10 - |
| 24 | Ditto - - - - | Michael Wall - - - - - | 10 - - | 7 - |
| 25 | Ditto - - - - | Patrick Toohy - - - - | 12 - - | 6 5 - |
| 26 | Ditto - - - - | Patrick Keefe - - - - - | 30 - - | 19 10 - |
| 27 | Ditto - - - - | Ellen Wall - - - - - | 24 - - | 14 5 - |
| | | £. | 813 - 6 | 552 5 - |

| | £. s. d. |
|---|---|
| Old Rental of above - - - - | 813 - 6 |
| Judicial Rent fixed - - - - | 552 5 - |
| Reduction - - - | £. 260 15 6 |

## APPENDIX L.

PAPER handed in by Captain *Barton*, 7 July 1882.

LIST of Cases on the Estate of Captain *Baptist J. Barton*, heard before the Sub-Commissioners, at *Ramelton*, County *Donegal*, on 13th May 1882, giving Poor Law Valuation, Hamill's Valuation, Nolan's Valuation, Old Rent, and Judicial Rent.

| No. | NAME OF TENANT. | Government Valuation. | Hamill's Valuation, 1871. | Nolan's Valuation, 1882. | Old Rent. | Judicial Rent. |
|---|---|---|---|---|---|---|
| | | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. |
| 1 | Robert Reid - - - | 32 - - | 40 10 - | 42 16 2 | 40 6 10 | 30 10 - |
| 2 | Catherine Geeny - - | 6 10 - | 10 5 - | 9 11 2 | 9 10 - | 7 - - |
| 3 | Anne Kerr - - - | 5 10 - | 8 - - | 9 12 4 | 8 15 - | 5 5 - |
| 4 | Anne Kerr - - - | 5 8 - | 7 - - | 9 2 1 | 6 10 - | 5 - - |

*Note.*—In cases 2, 3, 4, the several valuations do not include the undivided mountain grazing attached to the holdings in the townland, but this grazing is included in the rent.

## APPENDIX M.

PAPER handed in by Mr. *C. H. Lloyd*, 7 July 1882.

CASES in which JUDICIAL RENTS have been Fixed by the Assistant Commissioners on the Estate of *Charles Lloyd*, Esq., County *Tipperary*.

| No. | TENANTS' NAMES. | Government Valuation. | Old Rent. | Judicial Rent. |
|---|---|---|---|---|
| | | £. s. d. | £. s. d. | £. s. d. |
| 1 | R. Cantwell - - - - | 47 5 - | 78 - - | 56 - - |
| 2 | Fanning - - - - - - | 36 6 9 | 58 5 5 | 42 - - |
| 3 | John Ryan - - - - - | 18 5 - | 27 6 1 | 18 10 - |
| 4 | Mrs. Cantwell - - - - | 36 13 - | 45 - - | 37 - - |

## APPENDIX N.

PAPERS handed in by Mr. *Greer*, 7 July 1882.

STATEMENT relating to the Township of *Donaghanie.*

COUNTY TYRONE.

Townland of - - - - - - - - - Donaghanie.
Landlord - - - - - - - - - James Sheil, Esq.
(27 Tenants.)

| | | £. s. d. |
|---|---|---|
| Purchased in 1846: | | |
| The then rental (including a perpetuity rent of 35 *l.* 8 *s.*) was - | | 728 6 6 |
| The present rental (before reduction) - - - - - - | | 784 12 – |
| Total Increase since 1846 - - - | £. | 56 5 6 |
| The Landlord expended since 1846 in improvements - | £. | 1,586 10 9 |
| Present gross rental - - - - - - - - - - | | 784 12 – |
| Deduct perpetuity rent - - - - - - - - | | 35 8 – |
| Gross rents of 26 yearly tenants - - - - - | | 749 4 – |
| Of whom 5 were not reduced, whose rents amount to - - | | 168 9 2 |
| | £. | 580 14 10 |
| Total reduction off rents of the remaining 21 yearly tenants (equivalent to 16 per cent.) - - - | £. | 84 5 10 |

## STATEMENT showing Old Rents, Government Valuation, Judicial Rents, and Reductions.

| Tenants' Names. | Contents, Statute. | Present Rents before Reduction. | Government Valuation about 1860. | *Landlord's Outlay in Improvements. | Judicial Rent, 1882. | Reduction. | Sales of Tenant-right since 1868, and Prices Paid. |
|---|---|---|---|---|---|---|---|
| | A. R. P. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | £. s. d. | |
| James Anderson | 57 2 2 | 56 – – | 51 – – | 202 18 10 | 56 – – | — | |
| Mrs. Frances Cochrane | 23 1 12 | 24 – – | 19 10 – | 18 14 5 | 21 – – | 3 – – | 1879 £. 200. |
| Representatives of William Cochrane. | 41 1 15 | 37 12 – | 32 – – | 68 16 1 | 32 – – | 5 12 – | |
| William Thomas Johnston | 27 3 39 | 25 3 10 | 21 10 – | 11 18 8 | 25 3 10 | - - | 1877 £. 350. |
| John Cochrane | 38 0 22 | 32 19 8 | 29 5 – | 35 13 2 | 32 19 8 | - - | 1882 £. 280. |
| Representatives of James Johnston. | 42 2 36 | 38 9 – | 32 5 – | 73 9 10 | 35 – – | 3 9 – | |
| Michael Mullan | 9 1 19 | 8 10 – | 5 15 – | 9 10 2 | 5 10 – | 3 – – | |
| John Toal | 18 3 10 | 18 6 8 | 13 10 – | 37 5 1 | 16 – – | 2 6 8 | 1879 £. 250. |
| Claude Donnell | 13 0 10 | 11 16 – | 9 10 – | 36 17 7 | 11 16 – | - - | 1881 £. 150. |
| Representatives of William Johnston. | 57 1 14 | 50 – – | 40 5 – | 87 – 2 | 46 – – | 4 – – | |
| Mrs. Jane Johnston | 28 3 39 | 26 16 – | 25 5 – | 43 10 1 | 23 10 – | 3 6 – | |
| Representatives of Joseph Kerr | 30 3 39 | 28 13 4 | 22 – – | 29 1 7 | 25 – – | 3 13 4 | |
| Representatives of Duncan Kerr | 64 1 33 | 64 9 – | 54 15 – | 113 14 9 | 56 10 – | 7 19 – | |
| John Gordon | 24 3 11 | 22 6 – | 17 10 – | 33 3 9 | 20 – – | 2 6 – | £. s. d. |
| Thomas Maynes | - - | - - | - - | - - | - - | - - | 1876 Part of holding, yearly rent 13 16 – |
| James M'Shane, part | 37 1 17 | 33 17 – | 25 10 – | 63 8 – | 28 – – | 5 17 – | Purchase 159 18 6 |
| Alexander M'Causland | 32 1 30 | 29 – 2 | 16 – – | 72 15 4 | 21 – – | 8 – 2 | |
| Archy Johnston | 43 2 12 | 42 9 8 | 31 – – | 46 18 1 | 42 9 8 | - - | 1880 £. 300. |
| William Lyons | - - | - - | - - | - - | - - | - - | 1880 Part of holding, yearly rent 20 – 10 |
| M. M'Shane | 49 0 23 | 42 – 10 | 33 – – | 54 10 3 | 37 10 – | 4 10 10 | Purchase 226 – – |
| Bernard M'Shane | 20 1 34 | 18 8 4 | 13 – – | 18 2 4 | 14 10 – | 3 18 4 | |
| Michael M'Cullagh | 27 1 39 | 21 – – | 14 15 – | 52 11 10 | 16 10 – | 4 10 – | |
| Representatives of William M'Collum. | - - | - - | - - | - - | - - | - - | 1872 Part of holding, yearly rent 23 2 – Purchase 260 – – |
| James M'Shane, part | 41 1 27 | 38 2 – | 30 5 – | 42 11 6 | 35 – – | 3 2 – | 1876 Part of holding, yearly rent 15 – – |
| Robert M'Causland | 21 0 22 | 20 7 6 | 17 – – | 48 10 4 | 17 – – | 3 7 6 | Purchase 173 17 – |
| Edward O'Neill | 30 3 26 | 26 – – | 17 – – | 30 14 9 | 20 10 – | 5 10 – | |
| Patrick Donnelly | 19 1 37 | 17 10 – | 15 – – | 95 6 9 | 15 – – | 2 10 – | |
| John Donnelly | 10 0 24 | 9 2 – | 6 – – | 9 4 11 | 6 10 – | 2 12 – | |
| Charles M'Cluskey | 6 3 35 | 6 6 – | 4 – – | 12 17 – | 4 10 – | 1 16 – | |
| | — | 749 4 – | 596 10 – | 1,349 5 3 | 664 19 2 | 84 5 10 | |

## LIST of Cases heard on Altnachree Estate at Strabane, 20th, 21st, and 22nd February 1882.

| | Tenants' Names. | Area, Statute Measure. A. | R. | P. | Old Rent. £. | s. | d. | Judicial Rent. £. | s. | d. | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Patrick Logue | 31 | 0 | 22 | 25 | – | – | 20 | – | – | |
| 2 | John M'Gonigle | 40 | 1 | 20 | 62 | – | – | 1 | – | – | Dismissed. |
| 3 | Andr. Robinson | 60 | 0 | 0 | 84 | – | – | 84 | – | – | |
| 4 | Andr. Robinson | 32 | 0 | 0 | 45 | – | – | - | | - | - ditto. |
| 5 | Joseph Smyth | 14 | 2 | 0 | 22 | – | – | - | | - | - ditto. |
| 6 | A. Cunningham | 47 | 3 | 25 | 21 | – | – | 19 | 10 | – | |
| 7 | A. Chambers | 47 | 3 | 20 | 40 | – | – | 30 | – | – | |
| 8 | D. Jack | 80 | 1 | 15 | 21 | 12 | 2 | 19 | 10 | – | |
| 9 | J. Smyth | 7 | 3 | 10 | 10 | 7 | 6 | 8 | – | – | |
| 10 | William M'Menamin | 31 | 2 | 5 | 9 | 14 | 8 | 6 | 10 | – | |
| 11 | Neill M'Menamin | 32 | 0 | 0 | 10 | – | – | 6 | 10 | – | |
| 12 | Patrick Quinn | 56 | 0 | 0 | 20 | 6 | 8 | 16 | 10 | – | Purchased, 1879, at 150 *l.* |
| 13 | James Kerrigan | 56 | 3 | 30 | 20 | 6 | 8 | 15 | 5 | – | |
| 14 | Rodger Quinn | 81 | 3 | 35 | 33 | – | – | 25 | 10 | – | |
| 15 | John Kerrigan | 106 | 1 | 30 | 30 | 3 | – | 22 | 10 | – | |
| 16 | John Brown | 54 | 0 | 30 | 21 | 3 | 9 | 17 | – | – | |
| 17 | Robert M'Dermott | 25 | 1 | 30 | 6 | 7 | – | 5 | 12 | – | |
| 18 | John Kerrigan | 50 | 2 | 25 | 35 | 16 | – | 27 | – | – | |
| 19 | James M'Crosson | 42 | 1 | 0 | 28 | 13 | 4 | 24 | – | – | |
| 20 | James Callaghan | 37 | 2 | 11 | 25 | 3 | 6 | 23 | 10 | – | |
| | | | | £. | 442 | 14 | 3 | 370 | 17 | – | 16 per cent. off, excluding the three cases dismissed. |

## LIST of Cases heard on Altnachree Estate at Strabane, 20th and 21st April 1882. Trustees, Ogilley Landlords.

| | Tenants' Names. | Poor Law Valuation of Land. £. | s. | d. | Old Rent. £. | s. | d. | Judicial Rent. £. | s. | d. | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | William Kennedy | 29 | 10 | – | 42 | 12 | 8 | 30 | – | – | |
| 2 | Andr. Killen | 25 | 10 | – | 39 | 8 | 7 | 30 | – | – | 280 *l.* paid for part; rent, 16 *l.* 18 *s.* 7 *d.* |
| 3 | John Brolly | 7 | – | – | 10 | 5 | 7½ | 7 | 10 | – | |
| 4 | William Colhoun | 14 | 10 | – | 24 | – | – | 14 | – | – | |
| 5 | John Devine | 16 | – | – | 21 | 18 | 3 | 16 | – | – | |
| 6 | James Magill | 5 | 10 | – | 8 | 14 | 10 | 6 | – | – | |
| 7 | John Rosboro | 20 | – | – | 30 | – | – | 24 | – | – | 420 *l.* paid for tenant-right since originated; notice served. |
| 8 | John Mahaffy | 7 | – | – | 9 | 16 | 8 | 7 | 10 | – | |
| 9 | M. Devine | 15 | – | – | 24 | 6 | 8 | 15 | – | – | |
| 10 | James Devine | 4 | 10 | – | 7 | – | – | 4 | 10 | – | |
| 11 | H. O'Neill | 5 | – | – | 8 | 1 | 4 | 5 | 10 | – | |
| 12 | Pat. Muldoon | 3 | 15 | – | 5 | – | – | 3 | 15 | – | |
| 13 | John Rosboro | 5 | – | – | 20 | – | – | 10 | – | – | |
| 14 | Neil Quinn | 13 | – | – | 21 | 6 | 5 | 14 | – | – | |
| 15 | Edward Quinn | 25 | – | – | 41 | 9 | 2 | 29 | – | – | |
| 16 | Andr. Robinson | 25 | – | – | 50 | – | – | 35 | – | – | |
| 17 | Joe Thompson | - | | - | 82 | 13 | 4 | 60 | – | – | |
| 18 | John Pigott | 23 | – | – | 34 | 2 | 5½ | 24 | – | – | |
| 19 | A. Cunningham | 25 | – | – | 44 | 4 | – | 32 | – | – | |
| 20 | A. M'Claskey | 11 | – | – | 16 | 12 | 2 | 10 | 10 | – | |
| 21 | John Craig | 10 | – | – | 15 | 16 | – | 11 | 10 | – | |
| | | | | £. | 557 | 8 | 2 | 389 | 15 | – | 30 per cent off. |

## APPENDIX O.

PAPERS handed in by Mr. *Vere Foster*, 18 July 1882.

## IRISH FEMALE EXODUS.

### EMIGRATION of 10,000 CONNAUGHT GIRLS.

Success of each and every one of the Emigrants.—Emigrant Girls paying the Passages of Brothers and Sisters.—Emigrant Girls helping their Friends at home ever since.—Very few youngsters would remain if they could get means to Emigrate.

Poverty a fixed quantity in Connemara.—Connemara the land of wretchedness and misery.—Assisted Emigration the only remedy for the small Tenants of Connemara.

The Roman Catholic and Protestant Clergy on Emigration.

The Clergy of the County of Donegal on Emigration.
The Clergy of the County of Sligo on Emigration.
The Clergy of the County of Leitrim on Emigration.
The Clergy of the County of Roscommon on Emigration.
The Clergy of the County of Mayo on Emigration.
The Clergy of the County of Galway on Emigration.
The Clergy of the County of Clare on Emgration.
The Clergy of the County of Kerry on Emigration.

Need of Friendly Aid for poor Girls on arrival at American Sea Ports.

### APPEAL for FUNDS in Aid of the EMIGRATION of Young MEN and WOMEN of Good Character between Eighteen and Thirty years of Age.

I DESIRE to bespeak the sympathy and active co-operation of societies and individuals on either side of the Atlantic in the relief of poverty in the distressed districts of the West of Ireland by means of assisted emigration to the more prosperous regions of the United States and Canada. I address myself, in the first instance, to America, because of the greater affinities of race, and because of the prosperous condition of the Irish Americans.

During many years, commencing with 1850, I carried out an organised system of emigration, chiefly at my own expense, from Ireland, and from New York to West Canada and some of the Western States, with the co-operation of the Roman Catholic clergy and of other leading citizens of every denomination in the selected districts, including the late lamented President Lincoln, who then resided at Springfield, Illinois. In consequence, first, of the American commercial crisis in 1857, and then of the American Civil War, I suspended my operations. When, however, the normal condition of distress and semi-starvation in the over-populated districts of the West of Ireland became intensified by a succession of adverse seasons and deficient harvests, and Mr. C. S. Parnell crossed the Atlantic nearly two years ago with the avowed intention of soliciting funds to carry on a national agitation on behalf of the tenant-farmers against the landlords of Ireland, I addressed myself to him. I suggested that he should apply his talents and great influence with the people of Irish birth or extraction, on both continents, for the organisation of a scheme of assisted emigration from the smaller Ireland of Europe to the greater Ireland of America on a magnificent scale, such as to put an end to poverty in old Ireland by the transplanting of her superabundant population to the *unoccupied* fertile lands of the Western States or territories. In support of my appeal, I invited his attention to the following extract from a leading article in the "New York Herald" of 6th January 1880, which reached me as I was closing my letter to him:—

"There is one way in which we can legitimately aid the ambition of Irish peasants to "become landowners. We have abundance of fertile soil awaiting the hands of cultiva- "tors, far richer land than any in Ireland, which can be bought for a great deal less money. "We welcome the suffering Irish to this rich heritage, and will create a fund to defray "the

"the expenses of emigration. Those who leave will make better times for those who "remain, by relieving the Irish labour market of a surplus. This mode of relief for "Ireland is both practical and legitimate, and we commend it to the consideration of "Mr. Parnell."

Mr. Parnell simply ridiculed my suggestion, and struck out for himself the path of political agitation which he has since pursued. Meanwhile large amounts were most generously subscribed in America, in Australia, and in Great Britain, for the relief of Irish distress, under the titles of the Duchess of Marlborough's Fund, the Mansion House Fund, and the "New York Herald Fund," and these were most ably administered by the various committees for the relief of temporary distress by the distribution of food, clothing, and seeds. Having failed in my appeal to Mr. Parnell and others, and finding the late Irish Land League and the greater part of the Irish press totally opposed to the idea of assisted emigration, I fell back on my own resources, and determined to carry out alone, to the best of my ability, the suggestion which I had made to Mr. Parnell. I issued circulars to all the National teachers and to all the Roman Catholic clergy of the West of Ireland, stating my intentions, and inviting applications for assistance, which I felt myself able to give, limiting that assistance to the small sum of 2*l.*, in reduction of passage money, of poor girls of good character between 18 and 30 years of age, in the hope that the promise of this sum would lead to a local collection of the necessary balance. The consequence has been that I have received applications from nearly every parish priest and Roman Catholic curate in Connaught and Donegal, besides upwards of 100 Protestant ministers; and that I have issued upwards of 10,000 assisted passage tickets, and this without the aid of any advertisements, which I refrained from having recourse to, only lest I should be hopelessly overwhelmed with applications. The number of letters which I have received has been nearly 10,000 on behalf of upwards of 15,000 individuals.

My plan has been, on receipt of the applications and after approval of the candidates, to issue vouchers, value 2 *l.* each, in reduction of the price of ocean passage tickets, leaving the persons assisted quite free to proceed by any line of steamers that might best suit their own convenience from any port in Ireland or England to any port in America, the vouchers not being transferable, and being payable by me direct to the steamship companies only at their head office, after receipt of the company's certificates of the embarkation of the passengers, and of their presentation to them of the vouchers before such embarkation.

I have recently addressed a circular to those clergymen from whose parishes the greatest number of girls emigrated, asking tidings of their success in their adopted country, and I have much pleasure in appending hereto extracts from all the letters which I have received, and which are uniformly of a most satisfactory character.

The time is fast approaching when I shall have reached the end of my resources, and, having demonstrated that the desire for assistance is wide-spread, that the clergy of all denominations sympathise with the poorer members of their congregations in that desire, and that the emigration of the poor girls in question has been attended with signal, and almost universal success and contentment, I now desire to enlist the sympathy and active co-operation of societies and individuals, on both sides of the Atlantic, in the providing of funds to pay ocean passages, and in the forwarding of passengers, short of funds and friends, from the sea-ports to temporary homes in the interior of the country. In the absence of any association for the purpose, I would gladly take charge of and administer funds subscribed for the payment of ocean passages, and I hope the conventual communities or lay societies, especially in New York, Philadelphia, Boston, and Montreal, may be generously provided with funds by the Irish and non-Irish American laity for the reception of friendless poor girls, who may be recommended to them by their clergy in Ireland, and for their travelling charges into the interior, where they would receive further temporary assistance from the local clergy and their congregations. Twenty-five dollars is the sum which I desire to raise in aid of each emigrant.

Four-fifths of all the girls to whom I have issued vouchers have succeeded in raising the remainder of their passage-money, and on arrival in America proceeded to join their relatives or friends; but I would wish to reach a still poorer class who cannot pay any part of their passage-money, and who have no Transatlantic friends to receive them. These girls, if they remain in this country, will in most cases marry and rear families here with prospects of poverty, and perhaps destitution; whereas, if they go to America, they may be expected in most cases to marry there, and to rear their families there with a prospect of comfort and independence, besides sending for one or more of their brothers or sisters. This circular is intended as an appeal for help to enable them to do so.

While advocating assisted emigration as a practical measure for relief of poverty arising from over-population in certain districts, I do not intend by any means to infer that I consider such a measure a panacea for the prevailing distress, for I share with numerous writers the opinion that legal transfers of landed and other property should be simplified and cheapened, and that the present laws of entail, primogeniture, and settlement should be absolutely abolished; but above all I desire that the laws regulating inheritance to intestate property should be extended to all property. If this should be done, portions of landed property would, as a rule, be for sale at the death of every proprietor, and thrifty tenants in the neighbourhood would have opportunities of becoming purchasers; thus, in the course of one generation, the number of freehold properties might be increased to such an extent that three-fourths of the population would be owners of land (landlords), instead of being only tenant farmers or hired labourers. A loyal population would

ensue numerous enough to make the practice of intimidation, robbery, and murder a more dangerous game than it has recently been during the abdication by the British Government of their primary duty of protection to life and property; and through security of tenure, more careful cultivation, reclamation of waste lands, and spread of manufactures, the soil of Ireland would be able to contain more than its present population in comfort and independence, instead of in gradations ranging, as now, from excessive wealth and luxury to hopeless poverty and destitution.

(signed) *Vere Foster.*

Belfast, 3 November 1881.

*P.S.*—All the principal Transatlantic steamship companies having made me the handsome offer of a free passage ticket to and from America, I had engaged my berth, and it was my intention to embark this day, when I received yesterday afternoon a summons, at the instance of Marcus Ward & Co., to appear for cross-examination in a Chancery suit which, after the manner of Chancery, has been pending for upwards of three years, and which is now expected to come on for hearing on some day after the 14th instant. I therefore post, instead of carrying, my circular, and will follow it as soon as possible.

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## Extracts from Letters.

### County of *Donegal.*

Dear Sir, Falcarragh, 11 October 1881.

In reply to your letter inquiring how the girls whom you assisted to emigrate from this parish to America last year succeeded, I am very happy to inform you the reports from all of them were most satisfactory.

(signed) *James M'Fadden*, P.P., V.F.

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Dear Sir, Inver, Donegal, 8 October 1881.

The girls who emigrated from this parish to America, partly by means of the aid given by you, are all doing well. There is no doubt but they would go in crowds if they had assisted passages. The organisation of which you speak is badly needed.

(signed) *F. B. Gallagher*, C.A.

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Dear Sir, Ballyshannon, 6 October 1881.

I have made careful inquiry about them, and have to state that the accounts are good, and that they are all doing well. I have also to state that there are many girls in this parish who are very desirous of emigrating, but who are unable to do so in consequence of not being able to provide the balance which is necessary, in addition to your subscription of 2 *l.*

(signed) *Daniel Spence*, P.P., V.F.

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My dear Sir, Kilcar, 30 September 1881.

I am happy to tell you that the girls who have been assisted by you to go to America are doing very well. Many of them have sent money to their people. Some remain who would willingly go if they had the means. Almost all our boys and girls have friends in America who meet them on landing, so they have nothing to fear.

(signed) *Patrick Logue*, P.P., V.F.

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Dear Sir, Churchill, Letterkenny, 30 September 1881.

We have received letters from those young girls who went to America from this part of the country. They give a very gratifying account of their success so far in their adopted country; almost all met their friends upon arriving there. They have expected them. They are, and have reason to be, delighted, having left homes of misery and wretchedness to go to a country where honest industry receives its reward. I have no doubt many are anxious to emigrate had they means. When I ascertain their number I'll be happy to forward their names and co-operate in every way with your benevolent and patriotic purpose.

(signed) *James Kair*, P.P.

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Dear Sir, Convoy, Raphoe, 12 October 1881.

I have always regarded it as a matter of the first importance that some provision should be made for having our poor innocent girls looked after on their arrival at American ports, and afterwards assisted to obtain suitable situations. Any properly-arranged scheme to this end would have my hearty approval.

(signed) *P. Kelly*, P.P

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Dear Sir,
Dungloe, 12 October 1881.
The accounts from the girls who left this parish for America are on the whole very satisfactory.

(signed) *Charles M'Glynn*, P.P.

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Dear Sir,
Burtonport, Stranorlar, 12 March 1881.
I am glad to say that the best accounts are coming from I may say all of them.

(signed) *B. Walker*, P.P.

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Dear Sir,
Carndonagh, 22 October 1881.
I feel much pleasure in stating that excellent accounts were received from all the girls you assisted to emigrate from this parish. I agree with you in the desirability of an organisation in America for the protection of friendless and unsuspecting Irish girls, and to assist them in securing suitable and remunerative employment.

(signed) *John M'Cullogh*, P.P.

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Dear Sir,
Glenties, 1 November 1881.
I have made particular inquiry about the girls who emigrated this year, and to whom you gave aid, and I am happy to tell you they have sent the most satisfactory accounts.

(signed) *Daniel M'Gee*, P.P.

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## County of *Sligo*.

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Dear Sir,
Collooney, 27 September 1881.
In reply to the Circular, I have to report that excellent accounts are coming from the girls you assisted to emigrate. I agree with you it is most desirable that there should be some trustworthy agency on the other side of the Atlantic to take care of girls on their arrival there. It is strange there is no organisation for the purpose. A great number of girls are prevented by their inability from emigrating.

(signed) *T. O'Rorke*, D.D., P.P. (Archdeacon).

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Dear Sir,
Tubbercurry, 26 September 1881.
The girls whom you assisted to emigrate from this locality, with few exceptions, report favourably of their new homes. Many others are inclined to emigrate if they could, and many more would emigrate if there was some provision made for them on landing, to save them from danger, and secure them suitable employment. Such an organisation is worthy of the co-operation of any man who respects the virtue of our Irish girls, and is anxious for their welfare.

(signed) *M. D. Staunton*, P.P. (Canon).

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Dear Sir,
Calry Glebe, 27 October 1881.
I have just returned from Canada. In all cases that I have met, with one exception, the girls are happy and would not come back on any condition. The want of female help is the greatest now in the Dominion. In all Ontario the cry of the people I mixed with was, "Send us as many girls as you can." I have received commissions to send out 250 girls, but I am straitened with means. May I expect a continuance of your grants?

(signed) *Thomas Heany*, Incumbent of Calry.

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Dear Sir,
Achonry, 24 October 1881.
I delayed answering your queries until I had an opportunity of making careful inquiries as to the success of the girls whom you assisted to emigrate. I am happy to be able to inform you now that they are all doing well, and that many of them have sent money to their parents and friends. There are many more girls who would gladly go to America if they had the means. It is indeed very desirable that there should be some organisation to protect young girls during their voyage out, and to assist them on their arrival in procuring situations, or send them on safely to their friends.

(signed) *P. Lowry*, P.P.

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Dear Sir,
Templeboy, 21 October 1881.
I feel much pleasure in stating that as far as I have been able to learn the accounts from the girls whom you assisted to emigrate from this parish have been favourable. Several of them have already sent substantial assistance to their impoverished parents at home.

(signed) *Wm. Cosgrave*, P.P.

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Dear Sir,
Corballa, 22 October 1881.
In all cases that have come under my notice, the girls who have lately gone to America from this parish are reported as going on well. I entirely concur in the desirability of making arrangements for looking after poor girls after landing.

(signed) *J. M. O'Hara*, P.P.

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Dear Sir, Rockfield, 21 October 1881.

The accounts from the girls I am happy to state are satisfactory. I fully concur with your view as to the desirability of having some respectable organisation established in America to take care of young girls on their arrival, and to provide suitable employment for them.

(signed) *P. J. M'Donald*, P.P.

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Dear Sir, Enniscrone, 21 October 1881.

Upon close and individual inquiry I find all those poor girls have remitted within the past few months small sums of money varying from 2 *l.* 10 *s.* to 5 *l.*, and all have promised to send more at Christmas. With regard to the first query, I may tell you I have some experience of American life, and how people do generally succeed there. Individual members of families will still emigrate as before, and many of them may and will succeed here, there and everywhere through the States and elsewhere; but the way I would recommend emigration would be, let some one or more trustworthy persons go out to America, and carefully look around, and select a settlement, get means to erect some *shanties* at least thereon, and when thus provided, bring out whole families or large numbers of families, and let them settle down in their several lots, build and rebuild, till and grow provisions for themselves for the coming year, and have some means doled out to such as need them whilst the first crop is growing. By this means they one and all will be very soon independent, and set an example to others to follow and do likewise, and thus escape poverty, idleness, and enforced privation at home. The Germans thus act; they squat down, build houses, cut out farms, till and improve them, and soon you'll see church, school-house, and shops spring up, as if by magic, and peace and plenty reign around.

Permitting the Irish to flock into the towns and cities of America, they soon get a distaste for rural life, their natural, suitable, and most eligible course, and hence the failure of so many Irish to succeed, whilst other nationalities spread out, prosper and grow.

(signed) *P. Irwin*, P.P.

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## County of *Leitrim.*

Dear Sir, Derradda, Drumreilly, 27 September 1881.

In reference to the girls who have left my parish for America, I am happy to be able to inform you that there have been invariably good accounts from each and every one of them.

It is certainly much to be desired that some organisation should be established at the ports in America to assist poor friendless girls arriving in that country, and to provide employment for them immediately on their arrival.

(signed) *Thomas Smith*, P.P.

---

Dear Sir, East Bars, Enniskillen, 6 October 1881.

The girls aided by you to emigrate are, as far as I could ascertain, going on fairly in the home of their adoption. Very many more would follow them if they could.

(signed) *John Maguire*, D.D., V.G.

---

Dear Sir, Upper Drumreilly, Carrigallen, 8 March 1881.

The young girls assisted by you last year are not forgetful of the good you have done them. They are helping friends at home ever since. In their name I thank you.

(signed) *Bernard O'Reilly*, P.P.

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My dear Mr. Foster, Gortliteragh, Drumlish, 29 September 1881.

I am happy to inform you that all the girls who have left this parish by your assistance have, as far as I can learn, gone on well in America. Many of them are assisting their friends at home, and bringing others of their families to that country. It would indeed be very desirable to have some organisation to provide for them in New York.

(signed) *John Conefrey*, P.P.

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Dear Sir, Drumshambo, 27 September 1881.

In reply to your communication, I beg to say that very good accounts have come from the girls who have left this parish for America. I believe many more would emigrate if they had the means to do so. I would very much desire to see some organisation set on foot which would look to poor girls who leave this country for America, as many of them are friendless.

(signed) *D. Grey*, P.P.

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My dear Sir, Aughavas, Carrigallen, 26 September 1881.

In reply to your queries, I beg to inform you the accounts from the girls who have left this parish, aided by your kind assistance, are good. There are others here who are desirous of emigrating, but unable to do so, not having means.

I think, as a rule, the emigrants from this country have friends or acquaintances in America in whose kindness they trust. At the same time, I believe it would be most desirable to have an organisation such as you describe, to which they could apply in case of necessity.

(signed) *Wm. W. Brady*, P.P.

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Dear Sir, Carrick-on-Shannon, 2 October 1881.
I may say that the accounts from the girls who went to America through your assistance are in general very satisfactory. Most of them got places very soon, and have sent home small remittances of money to their parents from time to time.
I fully concur that something should be done to protect girls, both on the passage and on their arrival. I am sure there are numbers of girls about here who would be glad to go to America, but cannot provide the balance required besides the 2 *l.* you give.

(signed) *J. Sheridan*, C.C.

---

Dear Sir, Carrick-on-Shannon, 21 October 1881.
I am glad to tell you that the girls you assisted to go to America from this parish are going on well. I hear of no complaints from themselves or friends.

(signed) *Thomas Fitzgerald*, P.P. (Canon).

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Dear Mr. Foster, Cloone, 21 October 1881.
I am happy to state that the young girls you assisted to emigrate from this parish are helping their friends at home. I can say the poor girls all succeeded very well. I believe it would be most desirable to have an organisation such as you describe to which they could apply in case of necessity.

(signed) *Thomas Cahill*, P.P.

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## County of *Roscommon.*

Dear Sir, Tarmonbarry, Longford, 4 October 1881.
The accounts from all the girls from this part who emigrated to America and who were assisted by your kindness, are all satisfactory. There are several who have spoken to me who are unable to make up any of their passage. The most in their power would be to get a little clothing, not even what would take them to the port of embarkation.
There is certainly something required to protect young females, especially on landing in America. In most cases they have friends away in the country. We will always require to send out there many of our young people.

(signed) *E. White*, P.P.

---

Dear Sir, Cootehall, Boyle, 23 September 1881.
In reply to the questions asked in your printed circular, I beg to state that no unfavourable accounts have come from the girls assisted by you to emigrate to America. I am satisfied that all have been benefited by going there.
I concur in the desirability of some such organisation being formed as that suggested in the circulars for the case of friendless Irish girls. Very few, if any, leave this parish without knowing where to go. I should think it my duty to discourage, for many reasons, and, if I could, to prevent, young women from going to the States of America without a moral certainty of their being taken care of by some friend or relative immediately on their landing.

(signed) *Charles O'Malley*, C.A.

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Dear Sir, Loughlynn, 3 October 1881.
In reply to your circular, I beg to say that there have been accounts received from the girls who emigrated to America, which stated that they have been successful in getting into good situations.

(signed) *J. M'Dermott*, P.P.

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Dear Sir, Athleague, 7 October 1881.
In reply to the queries in your circular, I have made inquiries, and have got no bad accounts from any of the girls you assisted to emigrate from this parish. As far as I can learn, they all seem grateful for the help received, and some of them have sent home small sums of money, with a promise to send home more shortly.

(signed) *James Casey*, P.P.

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Dear Sir, Ballindoon, Boyle, 7 October 1881.
All those who were able to emigrate through your assistance from this locality have sent back most favourable accounts of the country.

(signed) *G. I. Coyle*, C.C.

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Dear Sir, Dangan, Drumsna, 26 September 1881.
In reply to your favour, I beg to state that the accounts from the girls who were enabled by your aid to emigrate from this parish to America are satisfactory. The enclosed vouchers which you so kindly forwarded have remained on my hands, from the fact that the girls were unable to procure the additional cost. More of them, I am sure, are held by the girls in whose names they were given. Some of those who left have paid the passage of other sisters.

(signed) *T. Bambrick*, C.C.

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Dear Sir, Fairymount, 1 November 1881.
I am happy to be able to inform you that satisfactory accounts have been received from the females who, assisted by your aid, have left this parish for America.

(signed) *James Hanly*, P.P.

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## County of *Mayo.*

My dear Sir, Knock, Ballyhaunis, 1 October 1881.

In reply to your letter, I have te state that the accounts of the emigrants who went from this parish are very satisfactory and gratifying. There is not the least doubt but what you state relative to the formation of some organisation for poor emigrants landing on the shores of America is a matter of the greatest importance. It would prove a great boon and incalculable blessing to those innocent Irish girls who never left home previously, and who know so little of the wicked ways of the world. Whenever there is a failure of crops there is always extreme misery and starvation in these large villages, where land is inferior and the quantity in the hands of each very small.

(signed) *B. A. Cavanagh,* P.P. (Archdeacon).

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Dear Sir, Ballyhaunis, 20 September 1881.

In reply to your favour to hand this morning, I beg to say that, so far as fell under my observation, the girls who left this parish, and were assisted by you, have sent cheering accounts, with small remittances of, say, from 2*l.* to 3*l.* to their parents; very many, even of the girls who left in early spring this year, sent small remittances.

Out of every 20 girls who left this parish for America, 19 went to join their uncles or aunts, and other near and dear relatives, in the "Land of the West," so that for them an organisation of charitable and influential persons able and willing to direct and protect friendless and poor girls is not necessary, though such a body might be useful. I know not any small farmer or workman here who has not dear and near friends in America, and these in very many instances implore their poor relations to join them.

The crops are fair, the potato crop splendid, and hence I think there will not exist the same burning desire for emigration as during the past three years; however, there will be a good number leaving if they can provide the necessary cost. Boys easily get the means, but girls have greater difficulties in putting the cost together.

(signed) *James Waldron,* P.P. (Canon).

---

Dear Sir, Bekan, Ballyhaunis, 24 September 1881.

I am happy to inform you that I have received very cheering reports from the girls who left this parish by means of the aid given by you. There are a few from whom I have not heard directly. I have, however, got some information about them from other parties, and was glad to learn that they too are doing fairly.

(signed) *Peter Geraghty,* P.P. (Canon).

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My dear Sir, Swineford, 24 September 1881.

In reply to your several queries I beg to state:

The girls who, aided by you, went to America from my parish are, so far, doing well, and assisting their poor relatives at home, together with paying the passages of others out.

I am quite certain, that many, very many, boys and girls are desirous of emigrating, but are prevented by want of means, and I fully concur with you that immense benefits would be conferred on poor emigrants who are friendless in America if the clergy, conventual communities, or others, would, at the ports of arrival and in the interior of the country, provide safe and lucrative employment for them.

Many parts of the West of Ireland are overcrowded. Either migration or emigration is certainly needed, and, as migration is very improbable, I am of opinion that many small and poor farmers would gladly emigrate if they had favourable prospects in other countries.

(signed) *M. Finn,* P.P. (Canon).

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Dear Mr. Foster, Claremorris, 27 September 1881.

The accounts which have come from the girls of this parish who have emigrated are very favourable. Some have sent money home to their parents and relatives.

There are still a good many girls anxious to go, and most of those are of the farmer class, young and nicely educated. Some are unable to go on account of not having enough of means.

A society such as that spoken of has been already considered by priests and religious in America. It would be well if you would write to Cardinal M'Closkey on the subject, and give your views to some influential American journals.

(signed) *U. J. Bourke,* P.P. (Canon).

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Dear Sir, Kiltimagh, 1 October 1881.

In reply to your circular anent the girls who have emigrated from this parish, I have to say that the accounts I have received from them hitherto are very flattering. There are a large number of girls yet, I am sorry to say, in this parish who would emigrate if they only had the means.

(signed) *M. Leonard,* P.P.

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Dear Sir, Ardagh, Ballina, 28 September 1881.

In reply to your circular, I have to inform you that the accounts received from the girls who left this parish for America were very favourable. Some places of reception for the poor girls who have no friends to receive them when they arrive there would be very necessary, and I think the Catholic Bishops of Ireland and America would be the persons to provide such places.

(signed) *Peter P. Keane,* P.P.

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Dear Mr. Foster, Kilfian, Killala, 24 September 1881.
The girls who have gone to America from this parish, assisted by you, have all written home satisfactory accounts, and a considerable number of them have already sent remittances in money to their destitute friends at home. Two girls only that I am aware of have failed to emigrate (after receiving your vouchers) owing to insufficient means to procure the scantiest outfit and pay expenses to the nearest port of embarkation. I have known several girls, however, who, after having had prepaid passages sent to them from America, were unable to leave home this year, and will be obliged to seek an extension of time from the Ship Companies in order to enable themselves to procure the little requisites necessary.

(signed) *P. Conway*, P.P.

---

Dear Mr. Foster, Ballycroy, 21 September 1881.
I am delighted to be able to inform you that the accounts that have come from the few girls that you have so kindly assisted to emigrate from my parish to America are very good indeed. I am aware that other girls (I cannot say how many) would emigrate if their passages were paid along with their expenses, and if they were certain that by going they would better their condition and prospects in life. Nothing would afford me more pleasure than to hear that an organisation approved of by the clergy should be set on foot to provide for the protection of friendless females in America.

(signed) *Patrick P. Boland*, P.P.

---

Dear Sir, Crossmolina, 20 September 1881.
The girls who have gone to America from this parish are doing very well. They had friends before them, and got employment at once, and many have sent home a deal of money and *passages* to their brothers and sisters.
It would be a great matter to have a "Home" for the girls in New York and other ports on landing till their friends would call for them, or until they could look out for employment, &c. Owing to their inexperience in travelling, &c., they are often at a loss how to act, and how to avoid danger.

(signed) *Hugh Conway*, C.C.

---

Dear Sir, Ballaghadeereen, 22 February 1881.
You will be glad to hear that the girls you assisted last year from this parish are going on very well in America. They do not forget their friends, and send them money occasionally.

(signed) *D. O'Hara*, C.A.

---

Dear Sir, Newport, 1 October 1881.
So far as I can ascertain, the accounts from the girls referred to are favourable. They got into employment on their arrival in America, and in some instances sent home part of their earnings to assist their relatives to emigrate, and also to help the old people at home.

(signed) *Samuel Johnstone*, Clerk
(Incumbent of Burrishoole).

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Dear Sir, Balla, 25 October 1881.
I feel pleasure in informing you that the girls, partially aided by you, who emigrated from this parish to America have succeeded and are doing well.

(signed) *Edward Gibbons*, P.P., V.F.

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Dear Sir, Killasser, Swineford. 22 October 1881.
I am glad to be able to tell you that they were all very successful, and some of them have sent home small remittances to their parents.

(signed) *Thomas Judye*, P.P.

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## County of *Galway*.

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Dear Sir, Killeen, Spiddal, 23 September 1881.
In reference to your circular, I beg to inform you that the girls who were enabled to go to America, owing to your aid, have sent, without a single exception, a very favourable account to their friends. They are all earning very fair wages, and seem very happy. I believe many more young girls from this parish would avail themselves of the assistance you are kindly giving if they were able to provide the remainder, but they are not able.

(signed) *Martin Mellet*, C.A.

---

My dear Sir, Clifden, 24 September 1881.
I am glad to inform you that most of the girls assisted by you to emigrate, so far as I could ascertain, have been fairly successful in America. A society for their protection on landing would be a great boon and blessing to those poor girls who have never been 10 miles from home. I think it should not be difficult to establish such a humane society. All that is required is some one of influence to take it up in New York or Boston. If the small tenants of Connemara had the land for nothing they could not live. The holdings are so small, the land so sterile, that these people will be always steeped in poverty.

(signed) *Patrick Grealy*, P.P., V.F.

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Spiddal, 22 September 1881.

Dear Sir,

As you wish to learn from me how those girls you helped to emigrate to America are going on, I take leave to say that they are all going on well; all have got places, as they had friends in America to look after them. There are a good many poor families here who would wish to emigrate if they had means to do so. Father Nugent of Liverpool took out a great many families from this district to Minnesota. He aided me much in the last distressed year.

(signed) *Patrick Lyons*, P.P. (Canon).

---

Rossmuck, Galway, 21 September 1881.

Dear Sir,

I understand these girls are getting on very well in America.

I fully concur with your views of getting up an organisation by the clergy in America for the protection and direction of those Irish girls who are not able to provide for themselves.

(signed) *James J. Keane*, P.P.

---

Clifden, 22 September 1881.

Sir,

In reply to your circular, I beg to state that the accounts from the poor girls who left this parish this year are satisfactory, that is, they are in good health and well pleased with their employment. There are a few of whom nothing has been heard since they left. There are several girls here who are anxious to go to America but have no means. I know five or six, some of whom I could recommend as first-class servants for any house, who have friends in America, and are most anxious to go, but have not the means. They have spoken to me for aid within the last week.

As regards the prospects here, poverty is a fixed quantity, for Connemara is *sicut erat in principio et nunc et semper et in sæcula*, the land of wretchedness and misery.

(signed) *Bernard M'Dermott*, C.C.

---

Tully, Letterfrack, 23 September 1881.

Dear Sir,

In reply to the queries in your circular, I wish to say that, as regards the girls who emigrated from this parish, they are going on well, and give very satisfactory accounts of the country. Some of them have even sent money twice to their friends here in a very short time.

(signed) *Michael O'Connell*, C.C.

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Moycullen, 21 September 1881.

My dear Sir,

In reply to your circular received to-day, I beg to inform you that the accounts received by me from the young men and women who left here for America this year are very favourable and encouraging. They all speak well of the country and of the wages they are receiving. They have had relatives there to look after them, by whom their passages were paid in most instances. In fact, most of the emigrants from this parish went to live with their families, who had gone many years before them, or together with them.

(signed) *P. Kenny*, P.P.

---

Mount Bellew, 20 September 1881.

Dear Sir,

In reply to your circular. The accounts from America of those who have left for the past few years contain in very many cases sorrowful regrets of having ever left the country. Many of those servant girls would prefer 10 *s.* a quarter here to the reported high wages in America.

Every well-meaning, right-minded man must desire, and the accounts to hand do strongly advise, the necessity of some such organisation as you speak of for the protection, social and moral, of our poor, innocent, unsuspecting Irish girls.

(signed) *Thomas Ronayne*, P.P.

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Oranmore, 3 October 1881.

Dear Sir,

I sent off, with your help, a batch of eight girls last summer to America. Seven of these wrote to say they were doing well; the other, I understand, is doing well too. These girls have sent home money, one as much as ten pounds; another paid her father's passage, and sent money home besides.

(signed) *Roderick Quinn*, P.P.

---

Clonbur, Cong, 24 September 1881.

Dear Sir,

Good accounts have come from most of the girls assisted by you to emigrate. There are others anxious to emigrate who find it difficult, or impossible, to make out the necessary complement. All have friends somewhere in America whom they would be anxious to join.

(signed) *W. Conway*, C.C.

---

Oughterard, 23 February 1881.

Dear Sir,

Very few youngsters would remain in this country if they had only the means to leave it. I got several letters from the parties who went away last year. They say they are all happy and doing well.

(signed) *R. M'Donagh*, P.P.

---

Dunmore, 12 October 1881.

Dear Sir,

The accounts from America from the girls who have been assisted by you are on the whole favourable. All of them assist their poor friends at home—some more, some less. I have no doubt there are some anxious to emigrate but who cannot for want of funds; and this is true of boys and girls. Most of those who emigrate from this parish have friends in some part of America.

It would be most desirable to have some such organisation as that referred to in your second paragraph.

(signed) *James Stephens*, C.A.

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Dear Sir,
Kilconly, Tuam, 21 October 1881.
I am glad to say that those girls from this parish whose passage to America you assisted to pay are *going on well.* Many of them have sent home money to their friends *more than once.* The organisation you refer to is very desirable.

(signed) *Peter Geraghty*, P.P.

---

Dear Sir,
Clifden, 21 October 1881.
Encouraging communications are received here every other week from those who have already gone.

(signed) *Patrick M'Manus*, P.P. (Dean of Tuam).

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My dear Sir,
Carna, 9 August 1881.
But I say with all the energy of my existence, let the people leave in any, and in every way that may take them, out of the slough of poverty and misery in which they are at present sunk.

(signed) *Patrick Grealy*, P.P.

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## County of *Clare.*

My Dear Sir,
Kilrush, 7 October 1881.
I am extremely obliged for your attention at all times to my applications in behalf of distressed young women who were anxious to emigrate. I have made inquiries, and found that they fared very well after landing. I hope to have the pleasure of giving you a fuller account in detail hereafter.

(signed) *M. Dinan*, P.P., V.G.

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Dear Sir,
Doonbeg, 6 October 1881.
I beg leave to inform you that the accounts received from the few girls who emigrated from this parish in the course of the year are most favourable. All have remunerative employment. They seem to be contented and satisfied.

(signed) *John Clune*, P.P.

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My dear Mr. Foster,
Tomgraney, Scariff, 3 October 1881.
In reply to yours of last week asking information about the females assisted by you to emigrate, I am very glad to inform you that they succeeded very well, and are quite happy and contented.

(signed) *Peter Murphy*, P.P.

---

Dear Mr. Foster,
Kilballyowen, Carrigaholt, 1 October 1881.
You will be glad to hear that the girls who left this parish for the last two years, and they were many, have succeeded well. I wish something could be done for our poor people at the other side. Too many of them remain in towns.

(signed) *J. Vaughan*, P.P.

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Dear Sir,
Miltown Malby, 11 October 1881.
I have much pleasure in stating, in reply to your circular, that all the girls who were enabled, through you, to emigrate to America are doing well there, and are already beginning to assist their friends at home.
I fully agree with you as to the desirability of some organised form of protection for Irish girls when they land in America, and I should be most happy to co-operate with any association formed for the purpose.

(signed) *C. Stuart*, C.C.

---

Dear Sir,
Ennistymon, 4 October 1881.
I was waiting to see the parents of those girls who availed themselves of the assisted emigration in order to be in a position to give you the desired information. I have learned with pleasure that these girls are doing well, that they had no difficulty in getting places on their arrival in America. Such an organisation as you refer to would be most desirable. It is somewhat strange that steps have not been taken in that direction up to this. However, there is hardly a family of the middle or very poor classes in Ireland at present that has not sent one or more of its members to America, so that intending emigrants, as a rule, will have some near relatives or friends to go to.

(signed) *Redmond Newell*, C.C.

---

Dear Sir,
Ennistymon, 25 October 1881.
The accounts received from the poor girls of this parish whom you assisted to emigrate are satisfactory. Through their friends there they got immediate employment and are doing well.

(signed) *Thomas Newell*, P.P.

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## County of *Kerry*.

Dear Sir, Portmagee, 6 October 1881.

I have been much gratified since I came to this parish from time to time to hear of the success of one or other of those poor girls; it is very likely in most of those cases that whole families will be taken away from this miserable district through means of your well directed, though moderate donations. I shall feel most happy at all times to co-operate with you in any work of emigration or education.

(signed) *John O'Sullivan*, P.P.

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My dear Sir, Tarbert, 28 September 1881.

I had letters from the girls who went to America on the strength of your assisted passages. They spoke well of it and felt happy. I don't think the poor of this place would like to leave their country in a body.

(signed) *D. Foley*, P.P.

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Dear Sir, Cahirciveen, 1 October 1881.

The Reverend Canon Brosnan was preparing to leave home when he received your circular, and not having time to reply to it has asked me do so. The accounts that have been received from girls who have been enabled to emigrate by your assistance are generally satisfactory. There are still many servant girls in the district desirous of emigrating who would need assistance to do so.

(signed) *Charles Brennan.*

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Dear Sir, Cahirdaniel, 10 October 1881.

There are good accounts from the girls in America assisted by you from this parish.

An organisation for girls such as you desire in America would be highly proper if it could be got to work well.

(signed) *Denis F. O'Sullivan*, P.P.

---

Dear Mr. Foster, Waterville, 11 October 1881.

With thanks and gratitude on the part of the young women. I am happy to announce to you the unexceptional success of every one. The best accounts come from our poor girls. It would be well indeed that some measures were taken to aid the poor green emigrant landing on the American shore. Religion will do it. Ask the priests and nuns in America by circular to do it, and they will.

(signed) *Michael O'Reilly*, P.P.

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Dear Sir, Killarney, 29 September 1881.

I have much pleasure in stating, in reply to your circular inquiring about the female emigrants from this parish assisted by you, that I have personally heard from some, and have heard from the parents of others, in every case good accounts. Those whom I sent to Canada have been much pleased (contrary to their expectations) with that country, and all found remunerative employment on landing. Neither parent nor friend has said a word to me to cause me to regret that I interested myself in the matter. These remarks apply to about 25 sent out.

(signed) *G. R. Wynne*, Rector of Killarney.

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Dear Sir, Castlegregory, 24 October 1881.

As far as I have been able to ascertain, the girls who have been assisted by you to emigrate from this parish have obtained employment and ordinary success. An organisation such as you speak of for the protection of the emigrants after landing in America, is of the most vital consequence for the spiritual and temporal interests of our innocent boys and girls, and will now I trust be established by the faithful and generous of our race in the Great Republic.

(signed) *Cornelius M'Carthy*, C.A.

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## County of *Cork*.

Dear Sir, Castletown, Bere, 4 November 1881.

The accounts that have been all along received from the girls of this parish, whom you assisted to emigrate to America last year, areboth satisfactory and cheering; what I said in one of my letters to you some time last spring, "all without a single exception, are doing remarkably well," is still true, judging both from their letters and from the more substantial proof which they have given in the way of assistance to friends.

All have remitted money, some several times, some have paid the passages of brothers and sisters, who are now with them; and others, who had no relations here, have sent for those young women who had been their companions at home.

In no instance have I heard that any of those young women has not gone on well, or that her emigration has been a failure.

(signed) *John O'Connell*, C.C.

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(B.)

LIST of GIRLS over 18 and under 30 Years of Age recommended as needing Assistance to enable them to Emigrate to *America.*

*Passages not Prepaid, and not able to Emigrate without Assistance from* Mr. Foster.

| NAME. | Age. | Townland. | Parish. |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

I certify that the above particulars are correct.

Signed_____ { Parish Priest, Rector, or Curate.

Date_____

---

(C.)

ASSISTED EMIGRATION.

No.

I agree and promise to pay Two Pounds towards the cost of Passage of the Bearer

_____

this amount to be paid on demand direct to the steamship company in whose vessel she shall have embarked, on the receipt of their certificate of her embarkation for America within three months from this date.

Belfast_____ 1882.

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## APPENDIX P.

PAPER handed in by Mr. *Kennedy*, 30 June 1882.

TENANTS who have served ORIGINATING NOTICES to fix FAIR RENTS.

| Number on Rental. | TENANTS. | Area in Statute Measure. | | | Area in Irish Acres. | | | Present Rent. | | | Poor Law Valuation. | | | Judicial Rent. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | A. | R. | P. | A. | R. | P. | £. | s. | d. | £. | s. | d. | £. | s. | d. |
| 2 | Patrick Lalor | 3 | 0 | 38 | 2 | 0 | 22 | 10 | – | – | 7 | 6 | 10 | 10 | – | – |
| 3031 A. | Denis Woods | 3 | 2 | 23 | 2 | 1 | 27 | 17 | 16 | – | 10 | – | – | 13 | – | – |
| 4 & 4 A. | Roger McNamara | 3 | 0 | 38 | 2 | 0 | 22 | 12 | 14 | – | 8 | – | – | 9 | – | – |
| 5 to 5 A. | James Clanchy | 3 | 0 | 38 | 2 | 0 | 22 | 16 | 4 | – | 9 | – | – | 11 | – | – |
| 7 A. | Patrick Lalor | 1 | 1 | 2 | 0 | 3 | 4 | 4 | 18 | 10 | 4 | 15 | – | 3 | 12 | – |
| 8 & 8 A. | James Hogan | 3 | 0 | 15 | 1 | 3 | 26 | 12 | 12 | 2 | 7 | – | – | 8 | 10 | – |
| 9 | Patrick Ryan | 3 | 0 | 34 | 1 | 3 | 37 | 12 | 12 | 2 | 6 | 15 | – | 9 | – | – |
| 10 & 10 A. | Mary Cuneen | 5 | 2 | 27 | 3 | 1 | 14 | 24 | 5 | 2 | 11 | 5 | – | 16 | 10 | – |
| 11 & 11 C. | Bridget Quilligan | 11 | 1 | 14 | 6 | 1 | 6 | 46 | 16 | 10 | 16 | – | – | 33 | – | – |
| 12 | Margaret Quohy | 1 | 0 | 34 | 0 | 3 | 12 | 4 | 19 | – | 3 | – | – | 5 | 10 | – |
| 17 | Johanna Bourke | 1 | 2 | 19 | 1 | 0 | 0 | 7 | 9 | 6 | 3 | 15 | – | 5 | – | – |
| 19 | William Power | 1 | 0 | 34 | 0 | 3 | 0 | 5 | 19 | 8 | 3 | 5 | – | 4 | 5 | – |
| 20 | John Walsh | 1 | 0 | 9 | 0 | 2 | 24 | 4 | 16 | – | 2 | 10 | – | 3 | 10 | – |
| 21 & 21 A. | John Ryan | 2 | 2 | 16 | 1 | 2 | 17 | 14 | 1 | 4 | 5 | 15 | – | 10 | 5 | – |
| 22 | Patrick McNamara | 2 | 1 | 28 | 1 | 1 | 39 | 9 | – | – | 4 | 5 | – | 6 | 10 | – |
| 23 | John Moore (Ned) | 1 | 2 | 19 | 1 | 0 | 0 | 8 | – | – | 2 | 15 | – | 5 | 14 | – |
| 24 & 24 A. | John Moore (Joseph) | 3 | 2 | 23 | 2 | 1 | 1 | 20 | 10 | – | 6 | 10 | – | 14 | – | – |
| 25 | Patrick Quilligan; Rep. of Anthony Ryan. | 1 | 3 | 14 | 1 | 0 | 21 | 6 | 10 | – | 4 | 5 | – | 4 | 10 | – |
| 26 | James Quilligan | 1 | 0 | 2 | 0 | 2 | 20 | 6 | – | – | 3 | 15 | – | 4 | 5 | – |
| 29 | Patrick Kirby | 1 | 2 | 8 | 0 | 3 | 33 | 9 | – | 4 | 5 | – | – | 6 | 5 | – |
| 30 | Patrick Cuneen | 2 | 2 | 12 | 1 | 2 | 19 | 12 | 15 | – | 6 | 15 | – | 9 | 5 | – |
| 32 | Daniel Murphy | 1 | 2 | 19 | 1 | 0 | 0 | 9 | 6 | 8 | 3 | – | – | 6 | 10 | – |
| 33 | James McMahon | 0 | 3 | 9 | 0 | 1 | 39 | 4 | 6 | – | 3 | 15 | – | 3 | 5 | – |
| 34 & 34 A. | James Hanneen | 4 | 0 | 8 | 2 | 2 | 0 | 21 | 5 | – | 9 | 10 | – | 14 | 10 | – |
| 36 & 37. | Patrick Bourke | 2 | 2 | 18 | 1 | 2 | 18 | 15 | 15 | – | 4 | 10 | – | 10 | 10 | – |
| 38 | Johanna Devany | 1 | 0 | 34 | 0 | 2 | 39 | 6 | – | – | 2 | 15 | – | *4 | – | – |
| 39 | Michael McMahon | 4 | 0 | 2 | 2 | 1 | 36 | 15 | 5 | – | 6 | 15 | – | 12 | 16 | – |
| 40 | Thomas Clancy | 1 | 2 | 19 | 1 | 0 | 0 | 8 | 4 | – | 6 | 10 | – | 6 | – | – |
| 41 & 41 A. | Bridget Shanny | 1 | 2 | 19 | 1 | 0 | 0 | 8 | 2 | 6 | 5 | 5 | – | 5 | 15 | – |
| 43 & 43 A. | James McMahon | 3 | 2 | 9 | 2 | 0 | 31 | 13 | – | – | 9 | 5 | – | 10 | – | – |
| 13 & 35 | Michael Cross | 4 | 0 | 17 | 2 | 2 | 6 | 14 | 19 | – | 4 | 15 | – | 11 | 10 | – |
| 16 | Patrick Quilligan | 5 | 1 | 24 | 3 | 1 | 14 | 24 | 2 | 1 | 11 | – | – | 16 | 10 | – |
| Part of 44. | Thomas McMahon | 1 | 2 | 19 | 1 | 0 | 0 | 7 | 14 | – | 7 | 12 | 2 | 6 | – | |
| Part of 44. | Michael Hickey | 2 | 0 | 2 | 1 | 0 | 39 | 5 | – | – | 2 | 5 | – | 2 | 10 | – |
| 45 | Patrick Mullaly | 1 | 1 | 0 | 0 | 3 | 4 | 6 | – | 4 | 4 | 10 | – | 4 | 10 | – |
| | TOTAL | 95 | 3 | 6 | 58 | 3 | 32 | 425 | 19 | 7 | 212 | 19 | – | 304 | 17 | – |

TENANTS who have not served ORIGINATING NOTICES.

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 6 | Widow Mary Purcell | 0 | 3 | 19 | 0 | 2 | 16 | 3 | 12 | 2 | – | – | | | | |
| 14 & 14 C. | William Ryan | 5 | 0 | 22 | 3 | 0 | 27 | 17 | 9 | – | 16 | 10 | – | | | |
| 15 | Widow Margaret Ryan | 3 | 0 | 30 | 1 | 3 | 35 | 15 | 15 | 11 | 6 | 10 | – | | | |
| 18 | Widow Margaret Mathew McNamara. | 0 | 3 | 1 | 0 | 1 | 34 | 3 | 10 | 10 | 2 | 5 | – | | | |
| 27 & 27 A. | John Gallagher | 1 | 0 | 10 | 0 | 2 | 24 | 7 | 8 | 10 | – | – | | 43 | 7 | –† |
| 28 | Michael Shaughnessy | 0 | 2 | 20 | 0 | 1 | 21 | 2 | 10 | – | 2 | 10 | – | | | |
| 31 | John Cuneen; Rep. of Thomas Fitzgibbon. | 1 | 0 | 28 | 0 | 2 | 35 | 3 | 16 | 4 | – | – | | | | |
| 42 | Widow Johanna Cross | 0 | 2 | 35 | 0 | 1 | 31 | 3 | 15 | 4 | 2 | 5 | – | | | |
| | TOTAL | 105 | 17 | 11 | 67 | 1 | 15 | 483 | 18 | – | 242 | 19 | – | 348 | 4 | – |

* The judicial rent in this case is not yet fixed. I have filled in a sum calculated on an average of the cases that are decided.

† The judicial rent in all these cases is calculated on an average of those decided in previous list.

## APPENDIX Q.

PAPERS handed in by Mr. *Tuke*, 21 July 1882.

## CLIFDEN UNION.

| Townlands. | Population in 1871. | Poor Law Valuation. | Number of Families. | |
|---|---|---|---|---|
| | | | If Five in Family. | If Six in Family. |
| | | £. s. d. | | |
| Arllebrock | 314 | 141 11 – | 63 | 52 |
| Bunowenbeg | 271 | 120 – – | 54 | 45 |
| Dolan | 214 | 72 15 – | 43 | 36 |
| Doohulla | 234 | 93 – – | 47 | 39 |
| Emlagharan | 137 | 63 – – | 27 | 23 |
| Poorglass | 128 | 46 15 – | * 29 | 24 |
| Callowfeenish | 205 | 85 – – | 41 | 34 |
| Dooycher | 290 | 113 – – | 58 | 48 |
| Ervallagh | 304 | 143 4 – | 61 | 51 |
| Kilkerrin | 596 | 203 15 – | 119 | 99 |
| Lehenagh | 233 | 81 7 – | 47 | 39 |
| Letterard | 392 | 136 – – | 78 | 65 |
| Rusheenamanagh | 413 | 116 – – | 83 | † 69 |
| Finish Island | 134 | 82 – – | 27 | 22 |
| Inishmee | 409 | 130 – – | 82 | † 68 |
| Aughrisbeg | 241 | 80 – – | 48 | 40 |
| Aughrismore | 303 | 101 8 – | 60 | 50 |
| Belleek | 156 | 69 – – | 31 | 26 |
| Cloddaghduff | 196 | 43 – – | 39 | 33 |
| Gannoughs | 239 | 64 5 – | 48 | 40 |
| Roeillann | 38 | 8 – – | 8 | 6 |
| Rossadilisk | 223 | 54 12 – | 44 | † 37 |
| Inistuk | 92 | 43 – – | 18 | 15 |
| Sturrakeen | 112 | 25 – – | 22 | † 19 |
| Turbot Island | 160 | 50 12 – | 32 | 27 |
| | 6,034 | 2,166 4 – | 1,209 | 1,004 |

* 7 *s.* per head.

† About 2 *l.* per family.

## COUNTY OF MAYO.—ROSDOAGH HOLDINGS.

| | —— | Griffiths' Valuation. | Rental. | Number in Family. | Potatoes. | Oats. | Cows. | Pigs. | Cattle. | Rent Due. | Shop Debts Due. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | A. R. P. | £. s. d. | £. s. d. | | *Barrels.* | *Sacks.* | | | | *Years.* | £. |
| 1 | 2 0 0 | 2 5 – | 4 2 6 | 3 | 4 | 1 | 1 | 2 | 1 ass – | 3 | 4 |
| 2 | 1 2 0 | 1 5 – | 2 10 – | 4 | 2 | 1 | 1 | 2 | 1 ass – | 3 | 10 |
| 3 | 2 0 0 | 1 5 – | 2 10 – | 5 | 5 | 1 | 3 | 1 | 6 sheep – | 3 | 3 |
| 4 | 4 0 0 | 3 5 – | 7 – | 6 | 2 | 1 | 1 | – | 1 ass – | 5 | 20 |
| 5 | 2 0 0 | 1 10 – | 3 10 – | 8 | 2 | 1 | 2 | – | 1 ass and 2 sheep. | 3 | 20 |
| 6 | 2 0 0 | 2 – – | 3 12 6 | 9 | 2 | – | 1 | – | 1 ass – | 2 | 12 |
| 7 | 2 0 0 | 1 5 – | 2 5 – | 7 | 2 | 1 | 1 | 1 | – – | 3 | — |
| 8 | 2 0 0 | 1 – – | 2 – – | 6 | 2 | 1 | 1 | 1 | 1 ass – | 3 | 14 |
| 9 | 2 0 0 | – 15 – | 1 – – | 5 | 2 | 1 | 3 | 1 | 2 sheep – | 3 | 6 |
| 10 | 3 2 0 | 2 5 – | 4 7 6 | 9 | 4 | 2 | – | – | 4 sheep, 1 horse. | 3 | 50 a dealer. |
| 11 | 1 0 0 | – 10 – | 1 – – | 1 | – | – | – | – | – – | 3 | — |
| 12 | 2 0 0 | 1 5 – | 2 5 – | 8 | 3 | 1 | 2 | – | 2 sheep – | 4 | 15 |
| 13 | 2 0 0 | 2 – – | 3 – – | 10 | 2 | – | – | 2 bonnives. | – – | 4 | 10 |
| 14 | 2 0 0 | 2 – – | 4 5 – | 9 | – | – | 1 | – | – – | 7 | 20 |
| 15 | 2 0 0 | 1 5 – | 2 12 6 | 7 | 2 | ½ | 1 | – | – – | 5 | 10 |
| 16 | 2 0 0 | 1 5 – | 4 10 – | 10 | 1½ | 1 | 1 | 1 | 1 ass – | 5 | 14 |
| 17 | 1 2 0 | 1 10 – | 3 – – | 3 | 2 | 1 | 2 | – | – – | 4 | 17 |
| 18 | 3 0 0 | 2 15 – | 5 – – | 4 | 3 | 1 | 1 | 1 | 1 mule – | 3 | 6 |
| 19 | 1 2 0 | 1 10 – | 3 – | 7 | 2 | 1 | – | 1 | 1 ass – | 4 | 20 |
| 20 | 3 0 0 | 2 – – | 4 5 – | 8 | 2 | 1 | – | – | – – | 4 | 25 |
| 21 | 3 0 0 | 2 – – | 4 6 8 | 5 | – | – | – | – | – – | 5 | 20 |
| 22 | 2 0 0 | 1 5 – | 4 6 – | 6 | 2 | 1 | 1 | – | 2 sheep – | 5 | 30 |
| 23 | 2 2 0 | 1 10 – | 3 13 – | 8 | 2 | 1 | 1 | – | – – | 4 | 25 |
| 24 | 1 0 0 | – 15 | 1 17 6 | | ½ | ½ | 1 | – | 1 ass – | 4 | 12 |
| 25 | 2 0 0 | 1 – – | 3 – – | 7 | 4 | – | 1 | – | – – | 4 | 16 |
| 26 | 2 0 0 | 1 10 – | 1 5 – | 1 | – | – | – | – | – – | 3 | No trust. |
| 27 | 2 0 0 | | 1 5 – | 7 | 5 | 1 | 1 | 1 | 6 sheep – | 3 | 2 |
| | 57 2 0 | 40 15 – | 85 8 2 | 166 | 58* | 20† | 27‡ | 14 | 22 sheep, 1 horse, 10 asses, 1 mule. | £.333 | £.381 |
| | | | | | | | | | | £. 714. | |

* Thirty-four tons. † Ten tons. ‡ Cows and calves.

## Appendix R.

### Copy of Correspondence.

The Clerk of the Select Committee to the Honourable Mr. Justice *O'Hagan.*

My Lord, House of Lords, 20 May 1882.

I am desired by the Select Committee on Land Law (Ireland) to inform you that it is their Lordships' wish to examine the Sub-Commissioners whose names are mentioned in the enclosed list, or some of them; and I am requested to ask you if you can inform the Committee when their attendance would interfere least with the performance of their duties. The Committee does not propose to sit again for the next three weeks.

I am, &c.
(signed) *E. Thesiger,*
Committee Clerk.

The Honourable Mr. Justice O'Hagan.

*P.S.*—Since writing the above, the Committee have fixed their next meetings for Tuesday and Thursday, 13th June and 15th June, and they desire me to request you to let me know, *with as little delay as possible*, the names of four Sub-Commissioners, two of whom respectively could attend on the days I have mentioned.

List of Assistant Commissioners (enclosed).

1. H. R. Morrison.
2. J. G. MacCarthy.
3. Richard Garland.
4. John M. Weir.
5. E. Greer.
6. J. M. Ross.
7. Ulick Bourke.
8. Seymour Mowbray.

---

Mr. *Denis Godley* to the Clerk of the Select Committee.

Irish Land Commission, Dublin,
Sir, 24 May 1882.

I am directed by the Irish Land Commissioners to acknowledge the receipt of your letter of the 20th instant, addressed to Mr. Justice O'Hagan, in which you inform him that it is the wish of the Select Committee of the House of Lords on the Land Law (Ireland) Act to examine some of the Assistant Commissioners who hold office under the provisions of the Act, and I am to request that you will have the goodness to lay the following statement in reply to that letter before the Committee.

The Assistant Commissioners form sixteen Sub-Commissions. They are engaged daily in the task of deciding upon applications to fix fair rents within their respective districts, and, as their Lordships are aware, an enormous number of cases of that class are now awaiting trial. Any delay not absolutely unavoidable in hearing these cases would have the effect of creating much discontent amongst the multitude of applicants, and it is therefore of the greatest consequence that none should take place.

In the opinion of the Commissioners it is of paramount importance that the Assistant Commissioners should continue to devote themselves assiduously and without interruption to the performance of their functions. They are engaged every day either in hearing evidence in Court, or in the inspection of farms, and the legal Assistant Commissioners, if they do not join in the latter work, must supervise the making of Orders and Minutes, and prepare Reports for the information of the Commissioners.

The Land Commissioners feel that it would be at present impossible to withdraw any of the Assistant Commissioners from these duties without occasioning an amount of delay and embarrassment which would be highly detrimental to the public service.

The Commissioners felt it incumbent on them, though at considerable inconvenience, to present themselves before the Committee when so requested, and they and the officers of their staff who were examined, gave the fullest information in their power as to the working of the Land Law Act.

But the embarrassment and injury consequent on any interruption of the work of the Sub-Commissions would be so great that the Commissioners respectfully submit to their Lordships that the attendance of the Assistant Commissioners before the Committee should not be exacted.

I am, &c.

The Honourable E. Thesiger. (signed) *Denis Godley.*

---

The Clerk of the Select Committee to Mr. *Denis Godley.*

Sir, House of Lords, 15 June 1882.

AT a meeting of the Select Committee of this House on Land Law (Ireland) this day, I had the honour of bringing your letter of the 24th May last under their Lordships' consideration, and I am now desired to state, for the information of the Irish Land Commissioners, that, in view of the reasons urged in your letter, the Committee have postponed until this day month the consideration of the issue of any formal summonses for the attendance of any of the Sub-Commissioners to give evidence before them.

I am, &c.

(signed) *Edward Thesiger,*

Denis Godley, Esq., C.B. Committee Clerk.

# INDEX

TO THE

# REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON

# LAND LAW (IRELAND).

## SECOND REPORT.

*Ordered, by* The House of Commons, *to be Printed*,
18 *August* 1882.

# INDEX.

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(2.) *Arrears Bill.*

(1.) *Generally:*

The most important question of all in extreme West, *Bird* 4800-2, 4805——where the largest generally occur, *Adams* 4996-9; *Hussey* 5608——both of rent and shop debts, *Tuke* 7781-3——on farms of all sizes, *Earl of Belmore* 4925, 4945——on good land as well as bad, *King-Harman* 7436 7——many of the larger farmers being unable to pay, *Atkinson* 4669; *Gubbins* 6789——Among smaller tenants, *Fitzmaurice* 5817-8; *Thompson* 5264-71——Arrears probably greater than many could pay without selling tenant-right, *Atkinson* 4661-7; *Bird* 4803-4 Some have money this year, but not all, *Thompson* 5254-61; *Hayes* 5372-3; *Wright* 6281-3; *Gubbins* 6787——Most will pay if they can, *Earl of Belmore* 4928-9——There is no organised refusal to pay, *Sankey* 6328-30——Most could have paid each year, but have now spent the money, *Walsh* 6133, 6143-7——either on agitation, *Atkinson* 4670——or on expensive living, *King-Harman* 7435——or on paying debts to shopkeepers, *Bird* 4806-10——who, however, have been hard hit, *Earl of Belmore* 4930-2——and now have money owing to them, *Hayes* 5375; *Tuke* 7782-6——Much is irrecoverable, *Fitzmaurice* 5831——Most could be recovered if no agitation prevented free sale of tenant-right, *Dunwoady* 6002-4.

Statement of present amount on various estates, *e.g.*, in Armagh, none, *Johnston* 6397 400——Nor in Cavan, *Sankey* 6324-7——In Carlow one-eighth in value of tenants owe sums varying up to four years' rent, exclusive of hanging gale, *Fitzmaurice* 5814-26——In Clare, two years, exclusive of hanging gale, *Walsh* 6129-31, 6137-9——considerable, *O'Callaghan* 6878——In Donegal, considerable among poorer tenants, *Hayes* 5351-8——varying up to three or four years' rent, and amounting to nearly a year's rental of estate, *Barton* 6973-9—— In Kerry, not two years on estates managed by witness, *Hussey* 5607——none on his own, *ib.* 5461——In Mayo, not general, arrears dating from famine having been paid off four years ago, *Thompson* 5246-51——In Monaghan two or three years among many of the smaller tenants, *Dunwoody* 5998-6001——not general, but some owe at least two years' rent, *Wright* 6278-80——In Roscommon, 15,700 *l.* on rental of 23,000 *l.*, chiefly among smaller tenants, *King-Harman* 7380-3, 7395——In Tyrone, nearly half a year, exclusive of hanging gale, *Earl of Belmore* 4922-4——not considerable, *Greer* 7332.

Prevent tenants affected by them from having benefit of Act, as their improvements cannot, it seems, be set off against them by Court, *Adams* 5057-8——Should be dealt with, but not wiped out altogether, *Bird* 4811-3——Suggestion for dealing with, (both of rent and shop debts) by simple Insolvent Debtors' Court, *Tuke* 7787-90, 7794-5.

*See* LAND LAW (IRELAND) ACT, 1881.

(2.) *Arrears Bill:*

Prospect of, stops payment of rent at present; generally, *Hussey* 5610-9; *Wright* 6251-4; *Greer* 7327-8, 7333; *King-Harman* 7473——among smaller tenants, *Dunwoady* 5992-7, 6024-6; *Hutchins* 6696-8, 6706-15; *Gubbins* 6780-3——who will not pay more than Griffith's valuation, nor that, unless they get full receipt, *ib.* 6783-5——*Contra, Fitzmaurice* 5827-8.

Importance of, towards pacifying Ireland, *Gubbins* 6816-9——Would be a great boon, *Adams* 4997——enabling landlords to recover large portion, *Thompson* 5252-3——and bringing many tenants into Court who now fear being sued by landlord if they commit a hostile act, *Adams* 5056, 5073-81——Would be a present advantage to both parties, *O'Callaghan* 6879-84——and perhaps enable landlord, who has lately been meeting his charges by credit, to pay his way again, *ib.* 6893-5.

Will demoralise the people and cause further agitation, *Hayes* 5386-7; *O'Callaghan* 6885-7; *Barton* 7057-61; *Lloyd* 7165; *Greer* 7331——and stop payment of rent for the future, *King-Harman* 7480-1——Many landlords would vote against it as immoral, in spite of pecuniary inducement, *Hayes* 5427——Effect of, on back payments, when landlord has been lenient, *Fitzmaurice* 5832-3.

Will probably cause dissatisfaction to tenants who have paid, or whose rent is over 30 *l.*, *Earl of Belmore* 4938-40, 4946-51; *Hayes* 5385; *Lloyd* 7170——Court will not be able to test competency to pay, *Earl of Belmore* 4941-3; *Gubbins* 6787-8; *Lloyd* 7177-80; *Greer* 7329; *King-Harman* 7425——Partly because tenants have removed their money from banks, *Lloyd* 7172-6——Landlord will lose two-thirds under it, as those tenants who have money enough to use it could in the end have paid in full, *Barton* 6980-5, 7054——Landlord will lose nearly half, most of which could have been recovered without sale of tenant-right, *King-Harman* 7420-4, 7430-4, 7477-9——Grievance to considerate landlord if tenant-right is not counted as an asset, *Greer* 7330.

*ARREARS*—(2.) *Arrears Bill*—continued.

If made optional, witness would not make general use of it, *Barton* 7055-6——But most landlords would use it for irrecoverable arrears, *King-Harman* 7439-40, 7445-6——and would not hold on claim simply to retain power over tenants, *ib.* 7441-4.

Sugestions respecting Emigration Clauses in, *Tuke* 7715-21.

*Assistant Commissioners.* See *Sub-Commissioners.*

*ATKINSON, JOHN, Q.C.* (Analysis of his Evidence.)—Counsel for landlords before Sub-Commission, No. 13, 4468-70——Also before Chief Commissioners on lease cases, not on appeals, 4471, 4496, 4615, 4643——Consulted also on appeals, 4539.

General result of decisions to reduce rents, from 20 to 25 per cent., 4472-4, 4198——Procedure unsatisfactory, 4475, owing to—

(1.) Want of notice to landlord, 4475-6——Partly amended by new rule allowing landlords to apply for particulars, 4479-83——But they should be disclosed upon originating notice, 4478, 4484-8, 4583——Even in case of very small rents, 4489-92.

(2.) Constitution of Court, 4518-9——Would be better if composed of one legal Commissioner, with two experts who could report and be examined, 4527-37——At present it seems lay members could outvote legal member, 4659-60.

(3.) Time wasted in visiting farms, 4520-23, 4576, so that cases listed do not come on, 4575.

(4.) Want of statement of *ratio decidendi*, 4504, 4540-1, 4591-2——This would help people to settle out of Court, 4612, and produce uniformity of decisions, 4613-4——This defect partially amended, 4548-50.

Personal inspection of farms much relied on by Sub-Commissioners, 4477——Report should be disclosed in Court, 4525-6——Occasionally they employ an independent valuer, 4524——Landlord's valuation taken as a maximum, 4569——Landlords can hardly get practical farmers to value, 4570-1, but recent valuations are better for them than earlier ones, 4572-4——Tenants also employ valuers, 4653-6.

Improvements not sufficient to account for reductions of rent, 4499-503——Doubt how far compensation for improvements limited by rule in *Adams* v. *Dunseath*, 4493-4——which in some cases seems to have been anticipated by decisions of Sub-Commissions, 4542-7, 4589.

Judicial rent not decided by competitive value, 4599, 4632-40——though that element must enter into it, 4505——It ought to be letting value of land, less present value of tenant's improvements, 4593-5——Sub-Commissioners, however, go by price of produce, 4596-8, 4600-2——But do not state how they divide the net profit between landlord and tenant, 4603-11——When tenancy changes hands it will be competition rent again, owing to tenant-right, 4560-1——Instance of reduction of ancient rent, 4563-8——When rent fixed tenant cannot sub-let, 4506.

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Deterioration not considered by Court reason for tenant getting no relief, 4584-7, 4630-1——It is part of landlord's case, 4619-20——but difficult to get evidence upon, 4621-2——It has probably caused higher rent to be fixed in some cases, 4588, 4618——Though reduction sometimes inevitable, 4629——No evidence of wilful deterioration, 4623——or fear of it at present, 4624-8.

Leases not often set aside under the Act, 4644——Applications decided on technical points, 4645-8——Probable desire for new Act to open leases made since 1870, 4649-52.

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Costs not often given against reasonable landlord, 4577.

Appeals frequent, 4495, 4538——and generally successful, 4497, 4616——so as to be worth the expense, 4617.

Purchase sections not likely to act, 4551-2——Importance of amending them, 4562-3——Land Court should not try to fix price, 4553-6.

Effect of Act to make rent insecure, 4557-9——Tenants probably hope for more legislation, 4642——and so do not come fast into Court, 4641——Popular sympathy when they do, 4657-8.

Arrears in South probably beyond tenants' power of paying, 4661-5——without selling holdings, 4666-7——Especially in case of larger farmers, 4669——who have spent money on agitation, 4670.

Savings banks' deposits a large figure, but doubt whether all belong to farmers, 4668.

B.

*BANKS:*

Do not give much credit now, *Earl of Belmore* 4934——Many tenants indebted to them, *Hayes* 5374——Large deposits in savings banks, sometimes stated to belong entirely to tenant farmers, *Atkinson* 4668——they belong to limited class, *e.g.* cattle dealers, *Earl of Belmore* 4933——Tenants have removed their money, in order that it may be safer from landlords, *Lloyd* 7172-6.

*BARTON, CAPTAIN BAPTIST JOHNSTON.* (Analysis of his Evidence.)—Formerly in the army, 7073—— Owns 8,200 acres in Donegal; farms 240 acres, and has 319 tenants at rental of 1,434 *l.*, Griffith's valuation being 1,114 *l.*, 6937-46, 6954-5——Tenants have turbary and grazing either gratis or at nominal charge, 6947-51, 6953, 6967-8——Estate remote from towns, 6952——Farms formerly held in rundale, but squared about forty years ago, 6956——Rent somewhat increased in 1871, but still 17 per cent. below valuation of that date, 6957-66.

Tenant-right unlimited, averaging from 12 to 15 years' purchase, 6969-72.

About seventy notices served, 6986——not stating particulars, 7067-8——Fifteen cases listed, and four heard, reducing rent 28 per cent., leaving it nearly at Griffith's valuation, 6987-90, *App.* L, 290.

Agreements out of Court arrived at in the other eleven cases, 6991-4——but statutory terms not signed as he believed it unnecessary, 6995-9——Tenants now unwilling to sign as those in Court have got better terms, 6999-7001, 7011-4——Reduction under agreements about 20 per cent., 7002——Agreements expedient, to avoid costs, and because rents above Griffiths' valuation are sure to be reduced, 7015-8.

Court go much by their own inspection, little by evidence, 7019——Landlords' valuers difficult to get, and expensive, 7021, 7023-5——Witness's valuer not examined in Court, 7066.

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Costs of landlord too great for him to fight all cases; in small holdings it might be a year's rent, 7020-1——Costs of tenants sometimes, not always, paid in advance, 7026——Under Act of 1870 attorney sometimes acted for tenants throughout district, being paid a lump sum, 7027-8.

Effect of Act to estrange landlord and tenant, 7030-2——and to ruin many small landlords, 7047——Judicial rent will probably be collected by pressure, 7029, 7058——And precedent of payment of debts by Government will cause agitation in future, 7059-61——Fifteen years hence similar events will probably occur, 7062, 7069.

Charges on estate 872 *l.*, leaving margin of 560 *l.*, 7033-42——which will nearly disappear at present rate of reductions, 7043-4——So also on neighbouring estates, 7045.

Unsuccessful attempt two years ago to induce encumbrancers to bear share of loss, 7048-9——Some distribution of burdens should be made, 7050-3.

Arrears, chiefly on smaller holdings, vary up to four years' rent, and amount to nearly one year's rental of estate, 6973-9——Landlord will lose two-thirds of this (at least 800 *l.*), by Arrears Bill, 6980-3, 7054——Tenants who have money enough to use Act could eventually pay more, 6984-5——If not made compulsory he would not make general use of Bill, 7055-6——Tenants cleared by it will hardly pay better in future, 7057.

*BELMORE, THE EARL OF.* (Analysis of his Evidence.)—Owns two properties in North, in Tyrone and Fermanagh, both chiefly in ordinary tenancies; but in Tyrone, also six townlands in hands of middlemen with old head-rents, 4869——Part of estate in Fermanagh formerly church land (See of Clogher), but perpetuity purchased after 1838, and head-rent bought up after 1869; all under settlement, except the remnant of a larger property sold in Tyrone, 4870——Ulster custom prevails, and under old leases consideration for improvements was expressly given in fixing rent, 4958-61——In Fermanagh, not more than one-fifth of rental goes into landlord's own pocket, 4909.

Second Report, 1882—*continued.*

*BELMORE, THE EARL OF*—continued.

Many notices served in Tyrone, few in Fermanagh; no cases tried, but attempt to settle out of court on basis of Griffith's valuation, *plus* a percentage; 20 tenants out of 70 accepted terms, but judicial forms not yet completed, 4876-81——These 20 cases diminish capital value by 1,000 *l.*, 4908

Decisions of Sub-Commissions injurious to landlords; Tyrone estate low rented, but fear of further reduction, 4908——Judicial rent in Tyrone about equal to Griffith's valuation, 4910——Instance of large reduction on old rent in Armagh, 4911-2——Belief that high-rented landlords come off best, 4913——Tenants not satisfied, 4914——Reductions do not apparently tally with value of tenants' improvements, 4962

Inconvenience of removing Sub-Commissions from place to place, 4882-3——Ignorance as to the principles on which they decide, 4954-5.

Rent in Fermanagh still well paid, 4944——In Tyrone, difficult to collect now, owing to (1) contested election; (2) bad harvest of 1879; (3) inflation of tenants' credit by Act of 1870, and consequent borrowing, 4921——There is little credit now, and money in banks belongs to a limited class, *e g.*, cattle dealers, 4933-4.

Land League has no great hold on this estate, 4952-3.

Arrears in Tyrone greater than ever before since 1856, 4922——amounting to 50 per cent. of rental, instead of 2½ per cent., as five years ago, 4923-4——on farms of all sizes, 4925, 4945——partly owing to depreciation of flax, 4926-7——They will pay what they can, 4928-9——But last year, probably, shopkeepers (who had been hard hit) were paid before landlords, 4930-2——As to Arrears Bill, loans proposed last year would do no good, 4935——If Bill is passed, tenants who have paid, or whose rent is over 30 *l.*, will probably feel themselves hardly treated, 4938-40, 4946-51——It will be difficult to find out who can pay, 4941-3.

As to Purchase Sections, witness has tried to act on them on basis of fine and fee-farm rent, 4871-4——Court will treat single holding as estate (under Section 26), but prefer parties proceeding under Section 24, 4875——Ambiguity of Sections 10 (Judicial Leases) and 23 (Limited Owners), *ib*——Tenants not now disposed to purchase, 4886, 4899——Suggestion that landlord who has failed to agree with tenants for sale shall have power to call on Government to buy, 48845——with a view to their selling again to tenants, who would probably then buy, 4887-93——Government, of course, not buying so as to cause loss to Exchequer, 4894-5——and probably fixing minimum price, 4896-8——on basis of Griffith's valuation, adding a varying sum according as land is in north or south, 4900-1——but without reference to political condition of district, 4902-7——Objections to Government as landlord not valid, 4915——Irritation against absentee landlords exaggerated, 4916-8——Tenants under Government could convert rent into terminable annuities, 4918——Experience in favour from sale of glebe lands, 4919-20.

Further suggestions as to (1) signature and cost of applications for loans under Purchase Sections; (2) power of Commissioners of Education to sell in Landed Estates Court; (3) Compulsory composition for Head-Rents in case of sales, 4963 5.

Correction of evidence given by Mr. O'Brien as to (1) amount of local taxes now paid by landlords; (2) number of years' purchase charged by Commissioners of Woods for redemption of Quit Rents, 4963.

*BIRD, WILLIAM SEYMOUR.* (Analysis of his Evidence.)—Counsel for landlords before Sub-Commissions Nos. 4 and 7, 4671-5——Not on appeals, 4738——General result of decisions to reduce rents in Connaught, nearly 29 per cent. (probably less elsewhere), 4676-8, 4692-4.

Originating notice should give particulars of improvements claimed, so as to prevent surprise, 47038, 4716——But necessity of stating reduction of rent claimed would not limit amount of claim, 471920.

Constitution of Court objectionable; it should be composed of one legal Commissioner and two lay assessors, the latter to report and be examined, 47212, 4735-6——when they might modify their views, 4780——or have their evidence rebutted, 4781 2——Still better to have official valuer sent down, and only go into court upon appeal, 4725-29, 4799——but this might require new Act, 4730——As it is, judges act the part of witnesses, 4783-5——though, in theory, lay Commissioners do not vote on points of law, 4723-4——Short tenure of office unfortunate, 4737——Conduct of Mr. Sub-Commissioner McCarthy, 4846-53.

Judgment should state gross rent and allowance for deterioration or improvements, 4695-7——which would help people to settle out of court, 4710-3——and clear the ground as to appeals, 4709.

Personal inspection of farms most important on Sub-Commission No. 4, 4777-8——and carefully done, 4788-96. 4862-3——but generally after hearing in court, 4797-8——Probable incorrect results from single inspection by strangers, 4681, 4779, 4787, 4864——Landlord's valuers disregarded by Court, 4731-4, 4860-1——and themselves difficult to deal with, 4855-9.

Second Report, 1882—*continued.*

*BIRD, WILLIAM SEYMOUR.* (Analysis of his Evidence)—*continued.*

Improvements not sufficient to account for reductions of rent, 4679-80——Doubt whether Sub-Commission No. 4 acted according to decision in *Adams* v. *Dunseath*, 4682-7——Instances of so-called improvements which do not benefit the land, 4698-702.

Judicial rent not decided by competition value, 4768-71——but by gross produce, a varying proportion of which is given to landlord, 4762-7, 4772-6.

Tenant-right, apparently, maximum compensation for disturbance, *plus* improvements, 4741-2——Amounting to one-third of total value of holding, 4828, 4839-41.

Deterioration taken into consideration by Court, 4743——It should entitle landlord to compensation, 4746, 4751-2——but not exclude the tenant, unless wilful, 4744-5, 4747-50——Instance of reduction of rent in spite of it, 4717-8.

Evidence as to acreage often conflicting, owing to deficient statistics, 4814-8——Delay and expense caused thereby, 4819-25——Demonstrations in court when landlords' surveyors give evidence, 4842-5——but Court will not allow evidence against antecedents of landlord or agent, 4854.

Costs given against reasonable landlords, 4688-9 (but see *Thompson* 5229-33)——Probability of reversal on appeal, 4690-1.

Appeals frequent, 4739——Longer time should be allowed, 4714-5——and more notice as to valuations, 4740.

Purchase sections not workable, 4826——Should be amended, 4827, 4835-6——not only because many landlords will be ruined, 4832-4, 4837-8——but also for the sake of the country, 4865-8——because joint ownership system cannot work, 4829-31.

Poverty of tenants in Connaught, and smallness of rents, 4753-6——Cultivation poor, 4757——and land bad and injured by guano, 4758, 4760——Emigration or transplantation the best remedy, 4759.

Effect of Act not to make rent more secure, 4761.

Arrears the most important question of all in extreme west, 4800-1, 4805——Many tenants unable to pay in full, 4803-4, 4806-10——A settlement desirable, 4802, 4811——But arrears should not be wiped out, 4812——They will recur, 4813.

*Blake* v. *Lord Clarina.* Case in which ancient rent was reduced by 2 *s.* an acre, owing partly to evidence of landlord's brother, in spite of evidence of tenant's prosperity, *Atkinson* 4565-8.

"*Block in Court.*" Increases costs, *Adams* 4993; *Hayes* 5392; *Dunwoody* 5937-8; *Wright* 6277——and disastrous both to landlords and tenants, *Adams* 4995, 5064——Tenants anxious to have their cases heard, *Fitzmaurice* 5689——Instances of cases listed twice before they came on, *Hayes* 5306-11——In Cork, last February, 45 cases listed and 12 heard, *Kennedy* 6603——In Clare, cases listed in March came on in June, *O'Callaghan* 6861——Instance where case listed, but not yet heard, has already cost landlord about 30 *l.*, *Kennedy* 6603——70,000 cases still to be heard will take more than a year and a-half, even without extra work, *Adams* 5011-3, 5062-3——At present rate it would take at least 25 years to hear all cases, *Hussey* 5652-4——and cost the country 4,000,000 *l.*, *ib.* 5047-9——If arrears were dealt with, and leaseholders included, block would increase, *Adams* 5082-3——It is caused, to a great extent, by not grouping farms properly, *Kennedy* 6603——and might be remedied by doubling number of Sub-Commissions, *Adams* 5084. See *SUB-COMMISSIONS* (1).

*Board of Works.* See *Works, Board of.*

*Bourke, Mr.* Murder of, in Galway, on return from attending Land Commission, *Hussey* 5459-60.

*Boycotting.* In Carlow, in case of Captain Newton and Mr. Stopford, in consequence of unfavourable decision in Petty Sessions Court, *Fitzmaurice* 5787——At Limerick, on his pressing for rent, landlord's meadows would not let by auction, and had to be cut by himself, with help of Emergency Committee, making profit of 130 *l.*, instead of 400 *l.*, *Kennedy* 6556-7——In Clare, owing to eviction, *O'Callaghan* 6873-4——Labourers left, and apparently worked for others; a few returned after some months, *ib.* 6875-6, 6910-2——Household servants remained, *ib.* 6875——Inconvenience from, *ib.* 6877——In Tipperary, owing to serving writs, *Lloyd* 7108-10——Nearly all servants left and landlords did almost all the work; boycotting continues, *ib.* 7111-5——Other landlords treated in same way, *ib.* 7181-2.

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*Boyle.* Grass lands of, about the best in Ireland; holdings run up to 400 acres, *King-Harman* 7390.

*Burren.* Land in the Barony of Burren, Clare, chiefly "crag pasture," intermixed with light arable land over limestone; the pasture used principally for sheep, *Walsh* 6042-51.

*Bushe (Minors).* (Tenant *Barry*). Case tried at Thomastown; rent reduced less than according to valuation of landlord, but claim allowed for improvements, *Adams* 4983 ——Reasons for decision given in this case, *ib.* 5005-8——Appeals by both parties, when argument will turn on application of *Adams* v. *Dunseath, ib.* 4987-9, 4992.

*Buildings.* See *IMPROVEMENTS.*

C.

*Canada.* See *EMIGRATION* (5 and 6).

*CASES.* See *Adams* v. *Dunseath.* *Blake* v. *Lord Clarina.* *Enright* v. *Ryan.* *O'Shea, Mr.* *Cloncurry, Lord.* *Domville, Sir C.* *Bushe (Minors).*

For general account of cases before Sub-Commissions, see *Originating Notice.* *RENT* (2). *SUB-COMMISSIONS* (2) and (3).

*Castle Garden.* Association at, for immigrants to States, *Tuke* 7798-9.

*Chancery, Registrar in.* Applied to, for sanction of appeals on estate in lunacy, *Dunwoody* 5922-7.

*CHARGES ON ESTATES.* Including mortgages, portions, and other outgoings, probably amount to six times the rental of the country, which is 14,000,000 *l.*, *Hussey* 5650-2 ——and are unaffected by reductions, *Hayes* 5341-3; *Hussey* 5581-8——Unsuccessful attempt two years ago to induce encumbrancers to share loss, *Barton* 7048-9 ——Landlords would not have charged estates so heavily had they known what was coming, *Walsh* 6125-8——But in many cases they have succeeded to encumbered estates, *Saukey* 6359-63——and cannot now raise money to free them, *Hayes* 5348-50.

At present rate of reduction of rent landlord's margin will, in many cases, disappear, or be turned into deficit, *Fitzmaurice* 5788-90; *Dunwoody* 5968-71——Instances given, *Fitzmaurice* 5766-82; *Dunwoody* 5933-5; *Wright* 6216-33, 6257-64; *Sankey* 6354-8; *Kennedy* 6505-6, 6527-8, 6545-8, 6577-8. 6605-19; *Barton* 7033-44; *Lloyd* 7133-41; *Greer* 7282-92; *King-Harman* 7484-5——Further instances (1) of estates in Clare with rental of 2,815 *l.*, where margin after reduction of one-third would be 500 *l.*, *O'Callaghan* 6839, 6868-70, 6903, 6908-9; (2) of estates in Cork, with rental of 2,055 *l.*, where it would be reduced from 789 *l.* to 328 *l.*, *Hutchins* 6686-91——Instances of estates not heavily charged, *Thompson* 5131; *Greer* 7235.

Loss should be borne in part by encumbrancers, *Barton* 7050-3——Suggestion that State should lend money at low rate to enable landlords to pay off charges, *Hayes* 5427; *Greer* 7314, 7326 ——At 4½ per cent. for interest and sinking fund, *Hussey* 5593-5, 5639-40——Except where mortgagees would continue at 4 per cent., or where tenants would purchase (which would reduce cases to be dealt with by one-half), *ib.* 5641-6, 5652——These State loans would give landlords some reduction of charge now, and more in future, *Hussey* 5596-601——This would be a great boon, *O'Callaghan* 6896-7.

*CHURCH TEMPORALITIES COMMISSION.* Now merged in Land Commission, *Johnston* 6447-8——Form of conveyance from, *ib.* 6435——Number of small purchasers from, in Armagh, owning 30 or 40 acres, and paying head-rent, *ib.* 6463—— Reduction of rent will leave little or no margin, *ib.* 6464——Instances given:

(1.) Land bought of, in Armagh, by Rector of Kilmore, on request of tenants, in 1878, at 23 years' purchase, *Johnston* 6379, 6387-90, 6395-6——Estate then in a bad state, owing to neglect, and tenant-right practically unlimited, *ib.* 6431-3 —— Instalments on half purchase-money leave hardly any margin to buyer, *ib.* 6391-3—— Rents then old and capable of increase, *ib.* 6380-6, 6457-8—— being considerably below Griffith's valuation, 6376-8——but now being reduced 25 per cent. by Sub-Commission, *ib.* 6401-2 —— Reduction likely to result in a deficit, *ib.* 6449-56.

(2.) Small holding bought of, by tenant, paying down a quarter, the remainder being secured by mortgage to be paid off in 32 years; result that purchaser pays more than as tenant, exclusive of poor rates, *Johnston* 6458.

(3.) Land bought of, where, rental being 143 *l.* 5 *s.* 6 *d.*, and head rent, &c., 78 *l.* 13 *s.* 6 *d.*, and purchaser having paid 700 *l.*, rent was reduced by Court to 100 *l.*, leaving hardly any margin, *Wright* 6177-202, 6206-15.

*Civil Bill Court.* See *County Court.*

*Clifden Union.* Populousness and poverty of, and demand for emigration from, *Tuke* 7657, 7673-4, *App.* Q. 307——Want of employment, *ib.* 7688——Diminution of grazing land, *ib.* 7754-6——Small area of arable, *ib.* 7673——Vacillating conduct of guardians, *ib.* 7672.

*Clogher, See of.* Purchase of lease of church land, *Earl of Belmore* 4870.

*Cloncurry, Lord* (*Tenant Hanlon*). Case tried at Naas; rent reduced from 90*l.* to 68*l.*, chiefly by admission of landlord's valuer; no claim for improvements; tenant appeals as his interest was fixed at less than half a year's purchase apparently by mistake, *Adams* 4975, 4978, 4990–1.

*Clonmell, Lord.* Case on his estate, where tenant, not wishing himself to go into Court, found his expenses paid for him by an agitator, *Fitzmaurice* 5785–6.

*Competition Value.* See *RENT* (2).

*COSTS:*

(1.) *Generally.*
(2.) *Landlords'.*
(3.) *Tenants'.*

(1.) *Generally:*

Not often given against landlords, unless unreasonable, *Atkinson* 4577——Instances where they were so given (*e.g.*, Mr. Thompson's cases), *Bird* 4688–9——Not in Mr. Thompson's, but in all other cases at that sitting, *Thompson* 5229–32——Probability of reversal on appeal, *Bird* 4690–1.

(2.) *Landlords':*

Heavy, even without employing counsel, *Hayes* 5391–4——Double that of tenants, owing to expense of valuation, *Hussey* 5510–1, 5515–6——Often amount to 20*l.*, *Hussey* 5528——Average 6*l.* or 7*l.* a case, *Dunwoody* 5939——Increased by block in Court, *ib.* 5937–8——Too heavy to make it worth while to defend small cases, *Thompson* 5185–90—— Landlord with many small tenants could not afford to do so, *Hayes* 5427; *Barton* 7020–1——Instance given; five cases in Cavan cost (including valuation and appeal) 80*l.* on rental of 97*l.*, *Sankey* 6306, 6317.

(3.) *Tenants':*

Vary from 5*l.* to 10*l.*, as they employ counsel or not, *Hussey* 5513–4—— Sometimes (not always) paid in advance, *Barton* 7026——In cases under Act of 1870 attorney sometimes received a lump sum to act for tenants throughout a district, *Barton* 7027–8.

*Coulthurst, Sir G.* Estate of; case where tenant's valuer stated that after tenant had spent 395*l.* on improvements holding was worth 4*l.* 16*s.* a year; Court left rent at 6*l.*, *Hussey* 5636–8.

*County Court.* Altered in character since Sub-Commissions began, and not now satisfactory to either party, *Greer* 7320–2.

*Crookshank, Mr.* Estate of, in Monaghan. See *DUNWOODY, FORSTER.* (Analysis of his Evidence.)

## D.

*Dairy Farms.* Where tenants held under oral agreement not to till more than two out of twenty acres, Sub-Commissioners held that holdings were not excluded from Act under Section 58, Sub-section 3; this decision appealed against, *Hutchins* 6664–75.

*Decisions of Sub-Commissions.* See *SUB-COMMISSIONS* (3).

*Denny, Sir E.* Estate of, in Kerry. See *HUSSEY, SAMUEL MURRAY.* (Analysis of his Evidence).

*DETERIORATION:*

Not considered by Court reason for tenant's getting no relief (unless wilful), *Atkinson* 4630–31——Justly so, *Bird* 4744–5, 4747–50——A part of landlord's case, *Atkinson* 4619–20; *Bird* 4746, 4751–2; *Dunwoody* 5873–5——But difficult to get evidence upon, *Atkinson* 4621–2——Sometimes causes a higher rent to be fixed, *Atkinson* 4588, 4618; *Bird* 4743——Court seems rather to lean to landlord's side where tenant has deteriorated, *Gubbins* 6760–1——Yet, as a fact, deterioration does reduce rent, *ib.* 6762–7——This may sometimes be inevitable, *Atkinson* 4629——Instances given of rent so lowered, *Bird* 4717–8; *Hussey* 5633–6; *Dunwoody* 5858, 5864, 5878–85——Court apparently going by existing state of land, *ib.* 5871, 5887–9, 5893–4.

See also *Enright* v. *Ryan.*

No cases of, in the past in witness's experience, *Fitzmaurice* 5806–8—— No evidence of wilful deterioration, *Atkinson* 4523–8——Many cases of stopping up drains, *Hussey* 5629——It is now tenant's interest to deteriorate before going into Court, *ib.* 5629–32——There will probably be further reductions from this cause fifteen years hence *Dunwoody* 5890–2.

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*Domville, Sir C.* (*Tenant Malone*). Case tried at Kilmainham; Court awarded 12 per cent. reduction, landlord's valuer having valued it at 20 per cent. reduction; no claim of improvements in this case, *Adams* 4975-8.

*Drains.* Case in Donegal where tenant claimed for drains, which, on examination, were proved to be only three feet long; case dismissed by Court, *Barton* 7070-2.

See also *DETERIORATION; IMPROVEMENTS.*

*DUNWOODY, FORSTER.* (Analysis of his Evidence.)—Is Land Agent in Monaghan, 5834-5——knowing also Mayo and Tyrone, 5836——Farms himself over 200 acres, 5837-8——Manages estates of Mr. Crookshank, Mr. Richardson, and Mr. Lewis, 5841-2, 5895-6, 5946——and others, 5976——Is well acquainted with Ulster tenant-right, 5839.

(1.) Mr. Crookshank's estate, near Monaghan, contains 320 acres, rented at 300 *l.*, Government valuation being under 260 *l.*; holdings small, and rent unchanged for 50 years, 5840, 5843-50——No evictions, 5851——Tenant-right sells sometimes for 18 *l.* per Irish acre, 5852-5——Rents well paid, 5856——Eleven notices lodged, and three cases heard, reducing rent 23 per cent. below old rent, and 13 below Griffith's valuation, 5859-63; *App. E.*, 283——Cases heard are those of the only tenants in arrear, 5857-8——No question of improvements, 5872——They had deteriorated their land, 5864——This was stated to Sub-Commissioners on the spot, and not denied, 5873-5, 5878-84——Landlord's valuer valued land as it stood, at about existing rents, 5865-7, 5876——tenants also having a farmer to value for them, 5868——Court reduced rent, 5877, 5885——Giving no reasons, 5869-70, 5893-4——but probably going by existing state of soil, 5871, 5887-9——Further reductions from deterioration are likely at this rate at the end of 15 years, 5890-2——Names of Sub-Commissioners given, 5886——This estate not encumbered, 5944-5.

(2.) Mr. Richardson's estate in Monaghan is 700 acres, with rental of 850 *l.*, Griffith's valuation being 700; rents old, 5897-904——Tenants satisfied, 5908——and tenant-right fetching long prices, 5909-11——Estate in Chancery, landlord being a lunatic, 5923-4——Seven cases heard, 5905-6——Landlord's valuer, instructed to value moderately, valued slightly below existing rents, 5914-20——Court reduced rents nearly 30 per cent., 5907, 5912-3; *App. E.*, 283——giving no reasons, 5921——In one case rent was reduced from 27 *l.* to 18 *l.*, there being no improvements, 5921, 5929-30——No connection appeared between reductions and improvements, 5931——Reductions unreasonable, 5932——Landlord's costs 6 *l.* or 7 *l.* per case, partly owing to block in Court, 5936-9——Appeals sanctioned by Chancery in three cases, 5922, 5925-8——This estate heavily charged, 5933; *App. E.*, 284——And if reductions go on at this rate, margin will be gone and family ruined, 5934-5.

(3.) Mr. H. O. Lewis's estate in Monaghan was bought in Landed Estates Court in 1860, 5947-8——No increase in rent since, 5949-50——Two cases heard, 5951——Landlord's valuer valued above existing rent, 5954-5——But Court reduced by 20 per cent., 5952-3, 5956; *App. E.*, 284——Appeals lodged, 5957.

(4.) Generally, notices oftener served on small than on large estates, 5972——On the latter rents are more uniform, and tenants wait for each other to go into Court, 5973-5——Some abstain, not wishing to be bound for 15 years, 5962-4——and hoping for more legislation, 5965, 5981-7——especially smaller tenants, 5988, 5991——Doubtful attitude of priests, 5989-90.

Judicial rent in Monaghan has remained uniform, at an average reduction of 20 per cent., 5966-7——Tenants would probably have been satisfied with less, 5942-3.

Valuations by parties to suit not attended to by Court, 5978——Court should have an independent valuator, as Chief Commissioners do on appeals, 5979-80.

Appeals doubtful, Chief Commissioners being apparently unwilling to reverse, 5940-1.

Agreements out of Court difficult, owing to prospect of further legislation, 5960-1.

Tenant-right in Mayo confined to "soil money," 6030.

Effect of Act to disturb relations between landlord and tenant, 5958-9——and ruin many landlords, 5970-1——on the numerous mortgaged estates, 5968-9.

Arrears among smaller tenants amount in many cases to two or three years' rent, 5998-6001——They will not pay at present, owing to prospect of Arrears Bill, 5992-7 6024-6——If no Bill passed, and if no agitation prevented sale of tenant-right, most could be recovered, 6002-4——Tenant-right in the past has been sufficient security, 6005-12——It would seem hard if this were removed, 6013-4, 6017-23——but some landlords would be glad so to get part of arrears, 6021——and really poor tenants may fairly be assisted, 6015-6——though it is difficult to discover which are really poor, 6027——Instance of this, 6027-9.

## E.

*Edgar, Mr.* Butcher in Armagh, land purchased by, out of savings amounting to 4,000 *l.* or 5,000 *l.*; rents since seriously reduced, *Johnston* 6465-6.

*Education, Commissioners of.* See *LANDED ESTATES COURT.*

*Ejectments.* Operation of Section 51 of Act practically forces them to be brought in County Court, which will cause delay and thus make rents harder to recover, *Hussey* 5572-80.

On estates in Mayo and Carlow, writs occasionally served, but no evictions, *Thompson* 5262-3; *Fitzmaurice* 5709-10——On estate in Clare, had recourse to, on failure of tenants to pay rent after agitation began, *Walsh* 6076——So also on estates in Longford, Roscommon, &c., where process was before unknown, *King-Harman* 7373-5, 7384-5——On estate in Cork, with 167 tenants, only three evictions from 1867 to commencement of agitation, *Hutchins* 6693-4——On estate in Clare two tenants lately evicted; one re-admitted, not the other, as he had money, and refused reasonable offer, *O'Callaghan* 6872-3.

*Emigrants.* German, taken cheaper than English from Liverpool to New York, *Foster* 7586 98.

*EMIGRATION:*

(1.) *Need of.*
(2.) *Attitude towards.*
(3.) *Class to be taken.*
(4.) *Modus operandi.*
(5.) *Cost.*
(6.) *Destination.*
(7.) *Result.*
(8.) *State Aid.*

(1.) *Need of:*

Very great, especially in the west, *King-Harman* 7518-9; *Foster* 7579-81, 7623-5; *Tuke* 7653——Description of poverty-stricken state of Connemara, &c., *ib.* 7673, 7777-80; *App. Q.* 307-8——Owing to smallness of holdings, *ib.* 7800-2, 7808——want of employment, *ib.* 7688-93——difficulty of coast for fishing, *ib.* 7679——and want of fuel and means of locomotion, *ib.* 7825-9——The only possible alternative would be transplantation, *Bird* 4759.

(2.) *Attitude towards:*

(*a.*) Of the people themselves, changed, *Tuke* 7713-4,7765——They went unwillingly in famine year, *ib.* 77512——In later times some who had money went, *ib.* 7750, 7753, 7809——But chiefly the young and healthy, *Thompson* 7213-7; *O'Callaghan* 6913-6——Now they have found out it is the only remedy, *Tuke* 7750 ——poverty being intensified, *ib.* 7754-7——in spite of diminished population, *ib.* 7820-2——Large number of emigrants, and greater still of applications, *Foster* 7530-1, 7539-40; *Tuke* 7657, 7769——Instance of family anxious to emigrate, but unable to do so owing to debts, *Johnston* 6420, 6423-6.

(*b.*) Of Guardians, (who are generally shopkeepers, *Tuke* 7740-3) hostile, *Greer* 7336; *Foster* 7632; *Tuke* 7722-6——Though this is against their real interest if they could see it, *ib.* 7744——Instance of Clifden guardians passing and rescinding resolution for assisting Bedford Committee, *ib.* 7672.

(*c.*) Of Priests, doubtful, *Tuke* 7759-62, 7766-8——They are nearly all in favour of emigrating individuals, *Foster* 7538, 7541-3, 7577-8, 7628-9, 7633-5——But against emigrating families, *Tuke* 7763-4.

(*d.*) Of Landlords, favourable, *Tuke* 7791-3.

(*e.*) Of Land League, neutral, *Foster* 7630-1——Though Mr. Parnell ridiculed it, *ib.* 7529; *App. O.* 295——And "National" papers opposed, *King-Harman* 7504.

(3.) *Class to be sent:*

Whole families, where possible, *King-Harman* 7513; *Tuke* 7669——Cottiers, *King-Harman* 7515-6; and evicted tenants, *Tuke* 7745-9——Great care being taken as to proportion of "bread-winners" in families, *Tuke* 7680-3, 7695-7——This mode of proceeding increases responsibility and cost, *ib.* 7698-702; *Foster* 7551——Opinion that it is impracticable owing to difficulty of maintenance on arriving, *Foster* 7555-63——Suggestion, however, for "rural settlement" in the States, *App. O.*, 298 (*Letter of Rev. P. Irwin*)——If individuals are sent, girls should be chosen first, *Foster* 7552-4, 7566-70; *e.g.*, servant-girls of good character, daughters of cottiers, *ib.*, 7545-7, 7611-5; *App. O.*, 305——Young men may also be freely sent, *ib.* 7558-9, 7571——The young are most ready to move, *Thompson* 5220; *Foster* 7645-7.

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*EMIGRATION*—continued.

(4.) *Modus Operandi :*

By circulars to clergy and school teachers inviting applications, *Foster* 7529——keeping clear of politics, *ib.* 7641-3——By relieving officers asking if any wished to go, *Tuke* 7769-70——Emigrants allowed to go with whom they like, and from any port, *Foster* 7535-7, 7618——Sent from Galway Harbour, *Tuke* 7675——March to May the best time, *ib.* 7796——Complaints as to feeding on emigrant ship "Winnipeg," *ib.* 7703-6.

(5.) *Cost :*

Of emigrating girls to States, 8 *l.*, including journey up country, *Foster* 7534, 7541——Of emigrating families 6 *l.* to 7 *l.* per head, including 1 *l.* for outfit, *Tuke* 7658-9, 7671, 7676, 7824——In former caseassistance given was 2 *l.* to 3 *l.*, *Foster* 7532, 7535——In latter, practically the whole, *Tuke* 7671——Money paid direct to shipping companies, *Foster* 7548 ; *Tuke* 7675——Loan, instead of gift, not advisable, *Foster* 7619-20——Inequality between fares to Canada and to States, *ib.* 7585-6——Between fares from Liverpool to States for English and for German emigrants, *ib.* 7586-98.

(6.) *Destination:*

Often chosen by themselves, *Foster* 7599 ; *Tuke* 7660——They prefer States to Canada, *Thompson* 5218——Partly from dislike of British Government, partly because they have friends in States, *Foster* 7564-5, 7600-1, 7605-6, 7616——Merely from ignorance, *Tuke* 7664-5, 7773-6——Canada, however, the best place to send families to, as arrangements after landing can be made, *King-Harman* 7517 ; *Tuke* 7694, 7709-10——Doubt as to this in the States, *Foster* 7572-6 ——Individuals can be sent to States, arrangements not being necessary, *Foster* 7533, 7606 ; *Tuke*, 7711——Feeling in States against Irish immigration, *Tuke* 7662——Though private associations there will assist, *Foster* 7529 ; *Tuke* 7660-1, 7798-9——and those families who went there were well placed, *ib.* 7663——In Canada the Government place them, *ib.* 7662——Not private companies, unless immigrants have some capital, *ib.* 7666-8——Successful emigration from Killarney to Canada, *Foster* 7602-4——No apparent limit at present to amount that America can receive, *Tuke* 7812-7.

(7.) *Result :*

Satisfactory both in States, and (so far as known) in Canada ; good situations obtained, *Foster* 7549-50 ; *Tuke* 7684-7, 7771——Good reports received through clergy, *Foster* 7621-2 ; *App. O.* 296-304——Emigrant girls marry their own countrymen, *Foster* 7607-9, 7644——Young emigrants often bring out their families after them, *ib.* 7560-2——Not so much so as formerly, *King-Harman* 7520——They send money, but not enough to help whole family out, *Greer* 7338.

(8.) *State Aid :*

Necessary, and would be now opportune, *Tuke* 7654, 7708, 7758——It should be voluntary, *Greer* 7334-7 ; *Tuke* 7655-6——and unpolitical, *Foster* 7636-40——Poor unions in the west, if willing, could not do it alone, *ib.* 7657, 7707——Section in Act of 1881 unworkable, and should be amended, *Foster* 7583-4——Suggestions as to proposed clauses in Arrears Bill, *Tuke* 7715-21——Some unions, not all, would borrow to meet grant from Government, *ib.* 7712, 7722 ——But they cannot be compelled to do so, *ib.* 7732——Therefore Lord Lieutenant should have power to make grants to voluntary societies, *ib.* 7726-31, 7733-9——Yearly number of emigrants might be doubled, *ib.* 7709, 7810-11.

*Encumbered Estates Court.* See *LANDED ESTATES COURT.*

*Encumbrances.* See *CHARGES ON ESTATES.*

*Enright* v. *Ryan.* Case where two or three acres held by a hotel-keeper at Limerick, had been meadowed for 30 consecutive years ; rent reduced by Sub-Commission from 19 *l.* to 9 *l*, and raised again, on appeal, to 16 *l.*, *Atkinson* 4584-7.

*Evictions.* See *Ejectments.*

*Evidence of Improvements.* See *IMPROVEMENTS.*

*Evidence of Value.* See *VALUATION* (2) and (3).

F.

*Fishing* on coast of Galway impracticable, except with large and expensive boats, *Tuke* 7679.

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*FITZMAURICE, ARTHUR.* (Analysis of his Evidence.)—Is J. P. for Carlow, and farms 500 acres; is also agent for twenty-two properties, chiefly in south, 5679–35 ——Among others, Captain Newton's, 5691——On this estate there are 120 holdings, nearly all small, and rental is 1,668 *l.*; he has also 100 acres in hand, 5692–4, 5766–8——Outgoings (including head-rent, tithe rent-charge, interest on loans, taxes, agency, &c.) amount to 1,374 *l.*, 5769-80——Estate has been in the family since 1805, 5700——In 1864 old leases to middlemen expired, and there was a readjustment of holdings, 5701-5——Tenants satisfied with rent, 5706——Except in 1879, when they asked for, and obtained, 15 per cent. abatement, 5706-8——Except also in one case of interest on drainage, 5728——There have been no evictions, 5709-10—— Nor have tenants deteriorated land, 5806-8——Captain Newton boycotted for a time, 5787——But the "no rent" agitation had no great effect on these properties, 5829-30——On the whole twenty-two estates about 80 notices have been served, and 20 cases heard, 5686–8——Many others will be served, 5690——And tenants will be glad to have them heard as soon as possible, 5689—— On Captain Newton's estate 12 have been heard, reducing rent by 30 per cent., 5695-9, 5743, *App. D.*, 282——Names of Sub-Commissioners given, 5753-5——Instance on Lord Clonmell's estate, where tenant had notice served for him by, and at the expense of, an agitator, 5785-6——Inspection by Sub-Commissioners on Captain Newton's estate insufficient; they visited 178 acres in the morning, and 398 in the afternoon, 5712—— Details of the afternoon proceedings given, 5713 9——They could not value so much in the time efficiently, 5720, 5731-6——Especially on hilly ground, 5744-7——of which they probably had not much experience, 5752——and in this case it rained heavily, 5720——making it inconvenient, but not in itself quite impossible, to value properly, 5737-42.

Valuators not employed by landlord in these cases, as it is expensive, and of little use; witness gave evidence himself, 5721–8——Tenants went on their own evidence, and that of neighbours, 5729-30.

Judicial rent here above Griffith's valuation, 5751——But this is not a safe guide, and, generally speaking, 25 to 30 per cent. must be added to it to make a fair rent on farms like these, 5751, 5809-12——Especially as many improvements have been executed since it was made, 5813——Reductions made on old rents, but more on rents that have been raised, 5799–802——Later decisions appear to reduce more than earlier ones, 5803–4——Reductions unjust, 5805.

Appeals, in all cases of Captain Newton, not yet heard, 5748–50——If reversed, tenants would rather appear, than be, dissatisfied, 5764–5.

Agreements out of Court unsuccessfully attempted on basis (1) of reducing rent 15 per cent. (2) of leaving it to valuer sent down by Commissioners under new rule, 5756–63.

Landed Estates Court proprietors, not old families, have raised rents, and probably forced on Land Acts, 5796-8.

Effect of Act to destroy good feeling between landlords and tenants, 5783–4——It does not, however, effect cultivation of soil, 5785——On many encumbered estates margin will be swept away, 5781–2, 5788–90——And landlords ruined, 5791–2 ——Land being unsaleable, 5793——Mortgagees will also be ruined in some cases, 5794–5.

Arrears on one-eighth in value of holdings (chiefly among small tenants), 5814–22 ——Varying up to four years and more, 5816, 5823–6——The arrears practically irrecoverable, 5831——Prospect of Arrears Bill has not affected payment of rent, 5827–8——It will affect hack payments where landlord has been lenient, 5832–3.

*Flax.* Grown much in Tyrone, and lately depreciated, from competition of cotton goods, and because after being scutched it is sent to Belgium to be worked up, *Earl of Belmore* 4926–7.

*FOSTER, VERE.* (Analysis of his Evidence.)—Was in the diplomatic service, and about 30 years ago settled in Ireland, and interested himself first in national schools, 7526, 7610——and then in promoting emigration at his own cost, sending young men and women from Clare and Louth to America, 7526–9——He went himself many times to America and travelled all over States to judge results and help emigrants, 7529——But this was stopped by civil war, &c., there, *ib.*——until 1880, when he took it up again and endeavoured to enlist Mr. Parnell, *ib.*——who ridiculed the suggestion, *App. O.*, 295 ——Then witness went on for himself, but only sending girls and only paying part of cost, 7529.

(1.) *As to Class:*

He formerly emigrated young men, now only young girls, 7552–3, 7627–8; *App. O.*, 294–6——of Connaught and adjoining counties, 7544, 7579, 7617——having to limit amount from want of funds, 7529——and making this choice because (1) girls can least help

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*FOSTER, VERE.* (Analysis of his Evidence)—*continued.*

(1.) *As to Class*—continued.

help themselves, (2) they are most generous afterwards in helping their relations, 7554, 7569, (3) they cannot be called breadwinners of the family, 7566-8——Those who go are chiefly servant girls, 7545-6——daughters of cottiers or small farmers, 7611-5 —— None eligible unless of good character, poor, anxious to go, unable to pay fully for themselves, and recommended by clergymen, 7547, *App. O.*, 305——Young of both sexes can be sent without difficulty, and there would be no fear of "bone and sinew" leaving the country while employment was to be found, 7558-9, 7570-1—— But emigration of whole families would not meet with such universal sympathy, 7645-7——and would hardly be practicable owing to difficulty of maintenance on arriving, 7551, 7555-7, 7563——Government could hardly arrange for this, at least in States, 7572-6 —— Suggestion, however, for making a rural settlement of families in America, *App. O.*, 298 (*letter of Rev. P. Irwin*).

(2.) *Modus Operandi:*

By circulars to clergy and schoolmasters, leading to applications, of which 24,000 have been received, 7529-31——13,000 girls have gone and 2,000 more are going, 7539-40——No communication with landlords, and no political motive, 7641-3 ——Emigrants may go from any port to any port, and with any friends, 7535-7, 7618 ——Similar arrangement necessary in case of State-aided emigration, 7636—— Which should be voluntary, and not connected with evictions, 7637-40.

(3.) *Priests:*

Nearly unanimous in supporting movement, 7529, 7538, 7633-5——Instances of special earnestness in the cause, 7542-3——Their co-operation has lately increased, 7577-8——but they were also ready in the case of emigrating men, 7628-9.

(4.) *Demand:*

Enormous, 7623-6 —— Especially in west, where poverty greatest, and rent greatly paid by labour in England, 7580-2——No opposition from Land League, 7630-1——There might be from shopkeepers, &c., 7632.

(5.) *Cost:*

Of emigration to States (including journey up country) 8 *l.*, 7534, 7541—— 2 *l.* now offered; but, by arrangement with steamship companies, somewhat greater value given, 7532, 7535——Money paid direct to companies, 7548, *App. O.*, 305 ——Not desirable to proceed by loan, 7619-20——In case of State-aided emigration rather give (say) 3 *l.* than one-half, as fares vary, 7584-5, *e.g.*, fare to New York is 6 *l.* 6 *s.*; to Canada, 3 *l.*, 7586——owing to conference of steamship companies, 7587-9——But German emigrants are taken from Liverpool to New York for 3 *l.*, in order to compete with German companies, 7590-8.

(6.) *Destination:*

Generally New York, or Boston, 7599-600——Not Canada, partly from dislike of English Government, 7564-5——But chiefly because they have friends in States, *ib.* 7565, 7601, 7605-6, 7616——Mr. Wynne, of Killarney, however, sent some successfully to Canada, 7602-4, *App. O.*, 304——Witness has no further responsibility after they land, 7533, 7606.

(7.) *Result:*

Satisfactory; they get good situations, 7549-50——and intermarry with their own country people, 7607-9 —— They write to their clergy, who have sent good reports to witness, 7621-22, *App. O.*, 296-304——This method of emigrating checks increase of population, though it only slightly diminishes number of families, 7644——The young people, however, often bring their whole families after them, 7560-2.

(8.) *Emigration Section of Act of* 1881:

Unworkable, 7583.

## G.

*Girls*, Emigration of. See *FOSTER, VERE.* (Analysis of his Evidence.) *EMIGRATION* (3).

*Government Valuation.* See *Griffith's Valuation.*

*Grazing* on certain mountain lands in Donegal unlimited, either gratis to tenants or at nominal price, *Barton* 6947-53——Curious evidence as to its value, *ib.* 7008-10—— Not much commonage attaching to farms on witness's estate in Roscommon, &c., *King-Harman* 7391-4 —— Diminution of grazing land in Clifden Union, *Tuke* 7754-6.

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*GREER, JAMES.* (Analysis of his Evidence.)—Owns land, 7188; farms from 300 to 400 acres near Omagh, 7190-1, 7193-8, and is agent for properties in Tyrone, Donegal, and Fermanagh, with rental of 12,000 *l.* in all, 7189, 7192, 7199.

(1.) Mr. Sheil's estate in Tyrone contains 1,000 acres let to about 26 tenants for 749 *l.*, and 200 acres with perpetuity rent of 35 *l.*, 7200-6, 7240——Since 1846 landlord has expended 1,586 *l.* in assisting tenants' improvements, and increased rent by 56*l.*, 7209-21——Tenant-right fetched from 10 to 14 years' purchase, 7234——Rents generally well paid down to 1879; 7214, 7222-4——Nearly all tenants served notices, which have been heard, 7207-8——Doubt whether tenants had notice to give particulars of improvements, 7250-3——Landlord gave evidence as to quality of land, &c., 7225-7——and employed valuer who valued slightly below existing rent, 7242-4——Tenants employed neighbours, 7245-7——On five holdings rent not reduced, 7228——On the others reduction was 84 *l.*, or 16 per cent., 7229-30, 7236-41, *App. N.*, 291-2——No means of ascertaining basis of reductions; not made on tenants' improvements, or inability to pay, 7231-3, 7248-9——Charges on estate not heavy, 7235.

(2.) Mr. Ogilby's estate in Tyrone contains 4,000 acres, let to over 50 tenants for 2,000 *l*, 7254-7, 7262——Landlord has improved under Board of Works, 7258-9——Rents well paid, and (judging from price of tenant-right) fair, 7260-1——Nearly all tenants served notices, and 41 cases have been heard under two Sub-Commissions, 7263-6——Names of Sub-Commissioners given, 7267-8——Results of the two very different under similar conditions, 7269-71——The first heard 20 cases, dismissed 3 as part of home-farm, and reduced the rest 16 per cent, 7272-3——The second heard 21, and reduced rent 30 per cent., 7274-5, *App. N.* 293——Reduction on whole estate 22 or 23 per cent., 7278-9——which is excessive, 7280-1——No means of knowing reasons of decisions, 7276——Eleven appeals lodged against last set, one or two against first, 7277——Charges on estate very heavy, and will exceed rental after reductions, 7282-92.

(3.) Generally, many landlords, whose estates are heavily charged, ruined by Act, 7293-8——some being tradesmen who have invested savings in land, 7299-303——Land now unsaleable, 7315-6——and present settlement not final, tenants not being satisfied, 7317-8——Government should have fixed rent by regular valuations, subject to appeal, 7319——going principally by price of produce, which has much increased since Griffith's valuation, 7323-5.

County courts not now satisfactory tribunals for either party, 7320 2——Suggestions that Government should (1) purchase from landlords (who are now anxious to sell) at maximum price of 24 or 25 years' purchase, 7304-8, 7312-3——and induce tenants to buy by amending "Bright" Sections, 7309-10——which, added to firm administration of law, might quiet agitation, 7311——(2) lend to landlords at low rate to pay off charges, and (3) condone tithe, 7314, 7326.

Arrears not heavy, 7332——But prospect of Bill has stopped payment of rents, 7327-8, 7333——Effect of Bill will be bad, especially if value of tenant-right is not counted, 7329-31.

Emigration, if voluntary, would be advantageous, and many would go, 7334-5, 7337——Guardians do not favour it, 7336——Money sent back by emigrants not sufficient to help families out, 7338.

*Griffith's Valuation.* Worth nothing as a guide to value, *King-Harman* 7397-9——In Kerry, the lowest in Ireland, and wholly fallacious as a test, *Hussey* 5529-32——Similar conditions in Carlow, where 25 to 30 per cent. should be added to it, having regard to subsequent improvements, *Fitzmaurice* 5809-13——In Clare, does not take into consideration wool, which there pays most of rent, *Walsh* 6087-8——On estate in Cavan, 21 per cent. below rent which has run since 1857, *Sankey* 6294-9——No criterion for letting value there, 6319-23——Close to Limerick, far below letting value, *Kennedy* 6531-5.

Judicial rent, more or less, based upon, *Earl of Belmore* 4910; *Adams* 5068-9, 5071; *Barton* 7016-8.

Agreements for rent based on, with per-centage added, *Earl of Belmore* 4876-7.

Small tenants will not pay more than, in view of Arrears Bill, nor this unless they obtain receipt in full, *Gubbins* 6781-5.

See *RENT* (2).

*Guardians.* See *Poor Law Guardians.*

*GUBBINS, W. G.* (Analysis of his Evidence.)—Agent and valuer, 6716-7, 6798——Has valued for landlords in cases in Cork, Clare, and Limerick, and been examined before Court, 6718-21, 6746.

Second Report, 1882—*continued.*

*GUBBINS, W. G.* (Analysis of his Evidence)—*continued.*

In valuing, witness finds average price of produce for last five years, 6722——Taking account of American competition, which, however, has now fallen off, 6723-4——and prices (except of wool and of wheat) risen; details given, 6725-6——He then calculates what stock land will carry, 6727, 6731-4——and, after deducting expenses, considers what tenant should have, 6728——so as to give him fair profit and leave fair rent for landlord, 6735, 6790-2——*e.g.*, with gross produce of 300 *l.* tenant should have 80 *l.* to 100 *l.* (say two-sevenths), 6729-30, 6736——Proportion should be greater on small farms, 6793-7——This fraction not deliberately chosen, but result arrived at by experience, 6732, 6737-40——not from consulting other valuers, 6742-5——Values land as it stands, then values tenant's improvements, and deducts them, 6756-7——Sometimes improvements have done no good owing to tenant's carelessness, 6758-9——Where tenant has deteriorated Court leans to landlord, 6760-1——Yet as a fact, deterioration does reduce rent, 6762-7——Tenants gave witness every facility when he valued, 6747-8——He has not met their valuers on land except on arbitration, 6749——They are, as a rule, tenant farmers, 6750-1——and go on no principle except that of reducing, 6753——Their valuations sometimes 20 per cent. below his, 6752——Those of Sub-Commissioners also considerably below, 6741.

Effect of Act to unsettle tenants, 6770-1——who, *e.g.*, repudiate orders of Court to build cottages, 6771——They are not, however, free agents, owing to agitation, 6777-80——Agitators emboldened by success, and disturbances likely to continue, witness himself having police protection, 6812-4——Judicial rents will probably not be well paid, 6822-4——because leaseholders will not allow others to pay until they also have benefit of Act, 6772, 6825-7——(Leaseholders before Act had rather better terms than others, 6828)——This question ought to be dealt with, 6773-5——and then country would quiet down by degrees, 6776, 6816-8——as this is purely land agitation, 6819——Lease question should not be left to work itself out, 6820-1——The fifteen years' period for tenancy probably too short, 6768-9——Instance where on agreement out of court leaseholders were given the same benefit as others, 6829.

Arrears question also important to settle, 6816——Now, prospect of Bill stops payment of rent, 6780-2——For tenants (*e.g.*, in Clare, 6786-7) will not pay anything beyond Griffith's valuation, 6783-4——nor that, unless they obtain receipt in full, 6785——It will be impossible, however, to find out who can pay, 6787-8——Arrears not confined to small tenants, 6789.

Charges heavy on most estates, 6799-800——In many such cases landlords ruined by Act, 6801-5——Mortgagees will have to take up estates, land being unsaleable, 6806, and some will lose much, 6807——Ten years ago 4 to 4½ per cent. was the usual interest on mortgage, 6808-9——Instance given, 6809-10——Jointures still more precarious, often coming after mortgages, 6811.

Agricultural prospect for present year doubtful, 6754-5.

## H.

*Hamill, Mr.* Valuer employed on estate in Donegal in 1871; rent then raised, but still 17 per cent. below his valuation, *Barton* 6957-66.

*HAYES, SIR SAMUEL, BART.* (Analysis of his Evidence.)—Is J.P. and D.L. for Donegal, with property of 22,600 acres, mostly under settlement, 5276-8, 5339-40——and subject to charges, 5341-5——There are 602 tenants, whose rents average under 10 *l.*, 5279-81——and, excluding old leases, are 5 or 6 per cent. above Griffith's valuation, 5282-4——and similar to neighbouring estates, 5301-2, but not quite up to valuation made in 1858; 5285-7——Since that date land bringing in 1,200 *l.* a-year has been sold at 25 or 26 years' purchase, 5287-90——some of it to tenants, 5327-8, in order to sell off part of a mortgage, 5345——Much more might then have been sold at same rate, 5290.

Tithe rent-charge purchased after Church Act, 5330-1——Purchase-money payable in 50 annual instalments of 195 *l.* each, 5332-5——He also pays instalments on improvement loan from Board of Works, 5336-8.

Tenants may cut turf up to 40 perches for 1*s.*, beyond that at 1*s.* 6*d.* a perch, 5291-5——Limestone free, and timber at nominal price, 5296-7——Tenant-right has averaged 16½ years' purchase, 5298-300.

Tenants often idle and thriftless, 5377-9——Only a few improve, 5380——Rent paid out of land, except in case of some who work in Scotland, 5376-7——Well paid up to 1879, when arrears began to increase, 5303-5——Since that time agitation has been rife, 5419——It had gradually been growing since Act of 1870, 5423-6——and was fostered by Land League, 5422——not ostensibly by priests, 5420-1.

Notices

Second Report, 1882—*continued.*

*HAYES, SIR SAMUEL, BART.* (Analysis of his Evidence)—*continued.*

Notices served by 55 tenants, and 15 cases heard last May, reducing rent 22 per cent., 5306-11, 5316-7, 5388——(Witness hands in *App. A.* 279, with landlord's valuation blank, 5312-5)——Most, but not all, reduced below Griffith's valuation, 5318-22——One, already below that, further reduced, 5323.

No inquiry by Court into prices of produce, 5427——They inspect land with care, *ib.*——Landlord's valuation above existing rent, 5315, *App. A.* 279, 5395-6——but this evidence disregarded by Court, 5427——Tenants' valuations quite untrustworthy, but often (apparently) affecting judgment, 5397-9, 5427——Personal abuse of landlords tolerated in Court, 5400, 5403-12 — but applause suppressed, 5401-2.

Judgments of Sub-Commissions do not disclose reasons, 5324, 5427.

Costs in these cases amounted to 3 *l.* each, 5391-2——And this without employing counsel, 5393-4——Landlord with 600 tenants could hardly afford to defend all cases at this rate, 5427.

Appeals lodged against these cases as being the first, 5324-5——This may stop other tenants sending in notices, 5329.

Effect on landlords to impoverish them greatly, 5413, and make them either leave home or retrench, 5414-7——Charges not reduced with rental, 5342-3——There is no way now of getting mortgage transferred, 5346-7——or of borrowing money to pay off charges, 5348-50, 5418——Suggestion that State should lend money at low rate for this purpose, 5427——Similar grievance as to tithe rent-charge and Board of Works instalments, *ib.*

Arrears considerable among poorer tenants; probably four-fifths of tenants under 30 *l.*, average three years of arrears, 5351-8——Tenant-right now a security for arrears, not often used, but one which it would be a grievance to lose, 5359-67——Some tenants probably have money, 5372-3——But many are indebted to bauks and shopkeepers, 5374-5——Similar condition of neighbouring estates, 5368-71——Prospect of Arrears Bill likely to increase agitation, and promote discontent among paying tenants, 5381-7——Many landlords would, if canvassed, vote against it, in spite of pecuniary inducement, 5427——Money would be better applied in extending operation of purchase sections, *ib.*——Suggestion that land should be sold at 25 years' purchase, with addition in case of tenants in arrear, *ib.*

*Head Rent.* On sales to tenants landlord should be forced to compound for, on terms varying according to the proportion which it bears to interest of middle-man, *Earl of Belmore*, 4963.

*Headley, Lord.* Estate of. See *HUSSEY, SAMUEL MURRAY* (Analysis of his Evidence).

*Henderson Mr. and Mrs.* Estate of. See *WRIGHT, JOSEPH* (Analysis of his Evidence).

*Holdings.* Small in Donegal, *Hayes* 5278-81——In Carlow, *Fitzmaurice* 5692-4——In Mayo, *Thompson* 5121-4——Extreme instances in Galway and Mayo, *Tuke* 7777-9, *App. Q.* 307-8——On dairy-land estate in Cork average 57 *l.* rent, *Hutchins* 6706-7——In Longford, about 35 *l.*, *King-Harman* 7351-2——Attempt to reduce number and increase size, in Clare, *Walsh* 6052-6. See *EMIGRATION* (1). *RENT* (1).

*Home Farm.* Cases in Tyrone dismissed, as part of, *Greer* 7272.

*Homespun.* Manufacture of, in Connemara, *Tuke*, 7677-8, 7828-9.

*HUSSEY, SAMUEL MURRAY.* (Analysis of his Evidence.)—Owns land in south, bought (out of savings) in Landed Estates Court for 50,000 *l.*, 5428-9, 5670-2——His last purchase was of 3,000 acres in Kerry, bought in 1879 for 30,275 *l.*, 5430-3——(Conveyance handed in, 5434-9, *App. C.* 281)——About half in value of tenants bid against witness, 26 years' purchase on the average, 5446-52 — But vendors would not divide estate, so witness purchased all, without bidding higher, 5453-4——Rent not raised since, and 2,300 *l.* spent by landlord, chiefly on drainage, 5439-43 — On passing of Act, he asked Land Commissioners to take property at same price without allowance for improvements, but they declined, 5463-4.

Witness is also land agent; he, his firm, and his son receive nearly 250,000 *l.* rental in Munster and Connaught, 5465-71, *e.g.* — on estates of Mr. Osborne, Sir E. Denny, and Lord Headley, 5472-3, 5493-4, 5656.

(1.) On his own estate about half the tenants served notices, 5444-6——Cases have not yet come on, as witness was obliged (owing to threats), to leave for a time, and obtained adjournment, 5455-8——Similar occurrence ended in murder of Mr. Bourke, 5459-60.

Second Report, 1882—*continued.*

*HUSSEY, SAMUEL MURRAY.* (Analysis of his Evidence)—*continued.*

(2.) On Mr. Osborne's estate of 2,500 acres, rent was 2,376 *l.* in 1840, and has since been voluntarily reduced to 2,100 *l.*, 5472–9——Nearly all tenants served notices, 5480——Cases on one townland heard, and rent reduced by nearly one-third of rental of 1840, and 12 per cent. of modern rent, 5481–8——although there were no tenants' improvements, 5490——and although in butter districts like this, rent of 1840 would now be fair (it would not in wheat districts), 5620–3——and rent in England or Scotland would be much higher now than then, 5488–9——Statement of Court that antiquity was no proof of fairness of rent, 5492——One witness refused to appear for landlord, owing to intimidation, 5550.

(3.) On Sir E. Denny's estate several cases heard, ending in reductions, 5493–6, 5505 —— All appealed against, and decisions confirmed, 5506–9 ——except in one case where Sub-Commissioners reduced rent of 48 acre farm from 30 *l.* 10 *s.* to 27 *l.*, and Chief Commissioners (without giving reasons) further reduced it to 21 *l.* 10 *s.*, 5497–9 ——No question of improvements, 5547 —— In fact, tenant's valuer admitted deterioration, 5633–6 —— Court sent down Mr. Murray to value, 5500, 5504——who had no special experience of west coast, 5533–7 —— No notice of his coming given to landlord, 5543——Report would have been produced in Court, but was not asked for, 5501–3, 5538–40——it being known that his valuation was the same as that of Court, 5541–6.

(4.) On Lord Headley's estate, rent of 150 *l.* on 90 acres, dating from 1802, was reduced to 125 *l.*, 5655–60——This now under appeal, 5661——In this case also one witness refused to appear, owing to intimidation, 5550.

(5.) Generally on Landed Estates Court titles, reductions amount to 25 per cent., 5676–7 ——which, leaving charges as they are, means ruin to purchasers, 5678 —— Case of Mr. Raycroft, who bought land in 1872 for 8,000 *l.*, and, rent being reduced by one-third, had to return to trade, 5663–9——In another case, rent stated to be capable of increase, was reduced from 25 *l.* to 14 *l.*, 5675 —— Purchasers generally Irishmen, who had saved money in trade, &c., 5671–4.

Judicial rent generally in Kerry not below Griffith's valuation, but that is at its lowest there and wholly fallacious as a guide, 5529–32——Recent decisions reduce rent more than earlier ones, 5589–92.

Valuers for landlords difficult to get, and expensive, 5551 ——partly owing to intimidation, 5511, 5552——Details of cost given, 5516–27 —— They value land low, taking other judicial rents as guides, the competition test having been abolished, 5553–60 ——Tenants incur no such expense, valuing for each other, 5512——Instance of absurd statement of tenant's valuer (on Sir G. Coulthurst's estate), which, however, did not affect judgment, 5636–8.

Costs, including valuation, average to tenants, 5 *l.* to 10 *l.*, to landlords, twice as much, 5513–5, 5528.

No reasons given for judgments, 5491–2, 5561 —— This would make it easier to make agreements out of Court, 5662——Though in some cases such agreements, on present basis, would leave nothing to landlords, 5653, 5663 —— At present rate it would take at least 25 years to hear all cases, 5652–4——And cost Government 10 *l.* a case, 5647–9.

As to purchase sections, no tenant but a lunatic would buy on present terms, 5567–8, 5624–7.

Effect of Act disastrous to country, 5549——And causing ruin to encumbered estates, which constitute a majority in Ireland, 5562–6, 5569–71——Instances given, 5562, 5583–4——Rent will be harder to get than before, as operation of sect. 51 of Act will force ejectments to be brought in County Courts, and cause delay, 5572–80—— Landlords will not improve, 5628——And tenants will be tempted to deteriorate; they do so sometimes wilfully, 5629–32.

Charges on Irish estates, probably six times rental of 14,000,000 *l.*, 5650–2——and remain the same in spite of reduced rent, 5581–8——or, if mortgages, are increased, 5601–6, 5647——Suggestion that State should lend to landlords at 4¼ per cent. for interest and repayment, 5593–5, 5639–40——This would diminish burden slightly now, and more in future, 5596–5601——It should not be lent where mortgagee would leave money at 4 per cent., or where tenants would purchase for reasonable sum, 5641–6—— This would perhaps diminish sum to be advanced by one-half, 5652.

Arrears not very heavy in South, certainly less than two years' rent, 5607–9——In Connaught they average three years, 5608——None on witness's estate, 5461–2—— But prospect of Arrears Bill stops payment now, 5610–4——even in case of tenants who will not be benefited by Bill as it stands, 5616–9——and forces evictions on landlords, 5615.

*HUTCHINS,*

Second Report, 1882—*continued.*

*Hutchins, S. N.* (Analysis of his Evidence.)—Owns land in Cork, Cavan, and Westmeath, J. P. for Cork, &c., 6622–5 — Succeeded to estate in Cork in 1880, having managed it since 1867, 6634-6——Before he went to live in Dublin was under police protection, having been fired at near Drimoleague, 6626-7, 6632-3——Believes outrage connected with Land League, 6629——No differences with tenants to account for it, 6628, 6631——No arrest, 6630.

Estate near Charleville, in Cork, contains 1,016 acres of rich dairy land, 6637–9——with rental of 2,055 *l.*, and 18 tenants, averaging 57 acres, few paying under 30 *l.* rent, 6640-1, 6706-9——Griffith's valuation being 1,109 *l.*, 6642, 6708——Rents rose after 1824 from 1,770 *l.* to 2,342 *l.*, and sunk again after famine, 6643–7——punctually paid, and no disputes, 6648-50, 6696——Abatement of 15 per cent. on half-year in 1881, 6651-3——Allowances towards building, draining, &c., 6654–5——Outgoings (including charges) 1,265 *l.*, leaving margin of 789 *l.*, 6686-8——Eight cases (listed in January, and heard in April) reduce rent from 1,294 *l.* to 995 *l.*, or 23 per cent., 6656-63, *App. I.* 288——Similar reduction on all would reduce margin to 328 *l.*, 6689-91.

Landlord argued that holdings were excluded from Act as dairy farms, 6664-6——tenants being allowed (by oral agreement) to till only 2 acres out of 20, 6667–70, 6674–5——Court held otherwise, 6671——and landlord appeals both as to that and as to value, 6672–3.

Inspection by Court hurried; they walked over 600 acres in six hours; only testing soil in two places, 6676–80——Landlord produced valuer from a distance, 6681, 6684–85——Tenants produced neighbours, 6682–3.

Witness's whole estate 5,000 *l.* a year; the rest also charged, 6695, 6699——Many other tenants in Court, but cases not yet decided, 6700-3.

Evictions rare; only three on whole estate, with 167 tenants, since 1867, 6693-4.

Effect of Act bad, 6692——It will probably ruin many landlords whose estates are charged, 6704–5.

Arrears small at Charleville, 6696, 6710——Larger elsewhere, where the holdings are under 30 *l.*, 6711–12——On these small holdings prospect of Arrears Bill stops payment, 6697-8, 6713-5.

*Improvements:*

(1.) *Tenants'.*

(2.) *Landlords'.*

(1.) *Tenants':*

Not sufficient to account for reductions of rent, *Athinson* 4499-503; *Bird* 4679-80; *Hussey* 5490, 5547——Have no apparent connection with amount of reduction, *Earl of Belmore* 4962; *Thompson* 5238-42; *Dunwoody* 5872, 5929–31; *Wright* 6168–72; *Greer* 7232——Untrustworthy evidence as to, *Barton* 7003-4, 7065, 7070-2.

Sometimes do no good, *Gubbins* 6758——*E.g.*, in cases of badly executed reclamation and draining, and of removing boulders, *Bird* 4698–702——and of planting and removing hedges, *Johnston* 6467-9——Likely, however, to affect judgment of Chief Commissioners unduly, as two out of the three have not had practical experience, *ib.* 6483–6.

In some old leases in Ulster consideration for, expressly given in fixing rent, *Earl of Belmore* 4958-61.

See *Adams* v. *Dunseath*; *Drains*; *Reclamation.*

(2.) *Landlords':*

Do not exclude from Act, where tenant is bound by written agreement to keep buildings in tenantable order, *Walsh* 6065–67——Nor where landlord either does the whole, or (more often) supplies slates and timber, *King-Harman* 7365–71.

Sometimes fail to benefit land owing to tenant's carelessness, *Gubbins* 6759——Instance of arterial drains made by landlord, into which tenants have made no sub-drains, *O'Callaghan* 6904-7.

Amount of, during 40 years, on estate in Mayo, *Thompson* 5142-4——Since 1862 on estate in Clare, *Walsh* 6057-62——Since 1846, on estate in Tyrone (in shape of assistance to tenants' improvements)—rent increased in consequence, *Greer* 7210–21——On estates in Cork and Tipperary slates allowed for new buildings, *Hutchins* 6654–5; *Lloyd* 7104——On estate in Tyrone, considerable sum expended on Board of Works loan, *Greer* 7258–9——On estate in Longford, &c. (1), done formerly to improve estate, and interest charged, *King-Harman* 7353–4; (2) done during distress to benefit tenants, and no interest charged, *ib.* 7349–50, 7353–5.

*Instalments.* See *Works, Board of.*

Second Report, 1882—*continued.*

*Intimidation.* Prevents tenants paying rent, a few offering to lend money to landlords, *Lloyd* 7102-3, 7270 1——Mountain land in Tipperary a centre of disaffection, *ib.* 7184–7——Cases in Kerry adjourned owing to threatening notice against landlord, *Hussey* 5455–9——Instances of witnesses refusing to appear for landlords owing to, *ib.* 5550——In Tipperary, tenants threatened if they helped landlord who had been boycotted, *Lloyd* 7116——In Clare, if they paid rent without abatement at 25 per cent., *O'Callaghan* 6852.

*Irish Church Commission.* See *CHURCH TEMPORALITIES COMMISSION.*

J.

*JOHNSTON, MR. HENRY A.* (Analysis of his Evidence.)—Is a barrister, and owns land in Antrim and Donegal, 6369-70——Also agent for his father, 6371——who was clergyman of Kilmore, 6387——and in 1878 purchased there 475 acres, of Church Commission, 6372-4, 6379——who had held it since 1871, 6433-4——comprising 55 holdings, with rental of 628 *l.*, 6375-6——Griffith's valuation being 700 *l.*, 6377-8——On two townlands rents unchanged for a century, 6380-2——On another they were slightly raised in 1840, but average still low, viz. 24 *s.* an acre, 6383–5——Land good, 6386——Tenants asked Mr. Johnston to buy, 6387 8——Only six tenants having bought, 6389——Nor would these have bought had they known he would, 6458——He would have preferred buying only one townland, 6389——Purchase money 14,800 *l.*, of which half was paid down, remainder to be paid off in 20 years, 6390-1——by yearly instalments of 541 *l.*, 6392——This and other outgoings leave 15 *l.* margin, 6392-3——The land was bought at 23 years' purchase, 6395-6——with Government guarantee and belief that rents could be raised, 6457–8——Conveyance given in full, 6435——About two years ago tenants asked for abatements, 6419——These were not granted, but landlord offered to buy tenant-right at 10 *l.* an acre if they could not get more for it elsewhere, 6419——Seven-and a-half acres were so paid for, others obtained 12 *l.* in open market, 6419-23——Ulster custom prevails, 6431——Under Church Commission tenant-right practically unlimited, 6432–3——Rents well paid to November last; no hanging gale, 6397-400——Employment to tenants during three winters, 6394——Instance of tenant anxious to emigrate, but unable to do so, owing to debts, 6420, 6423–6——17 tenants served notices, 6401——One will perhaps not proceed further, 6401-2——Two cases heard, reducing rent from 29 *l.* 7 *s.* 6 *d.* to 22 *l.* 15 *s.*, 6416-8; *App. H.* 287——Other cases not yet listed, 6428——More tenants will probably go into court if reductions confirmed, 6429——They are appealed against, 6427——as being unjustifiable, 6476-8.

Two Sub-Commissions sat in Armagh; names given, 6403, 6479——The first more moderate in reductions, and burnt in effigy by tenants; now transferred elsewhere, 6479——Landlords have no confidence in second set, 6466——One of them, Mr. Meek, was Liberal canvasser in Derry and Tyrone, 6405, 6411-15——and made extreme speeches, 6405——He was a small farmer near Cookstown, 6407-10——Instance of agent declining arbitration because Mr. Meek was tenant's valuer, 6406——In this instance Sub-Commission put rent much higher than he had previously done, 6441–3.

Landlord's case at a disadvantage from want of knowledge of questions at issue, 6437–8——and from desire of Court to suppress evidence, 6445—— *e.g.*, excluding evidence from letting value of neighbouring lands, 6439——Witness relied upon valuations of Mr. McBride, Mr. Gray, and Mr. M. O'Brien, 6417–8, 6436, *App. H.* 287——The latter valued for Church Commission, and certified copy was obtained, 6446–8——He was an unwilling witness, and landlord not allowed to put necessary questions, 6444–5——Landlord further urged view of Mr. Kelly, that rents must be excessive to justify interference, 6456——Also policy of Landed Property (Ireland) Improvement Act, 1860, sanctioning leases on limited estates at full rent, 6489——He also put in written statement, 6439-40——Tenant's evidence (*e.g.*, as to improvements) frequently false, but not discouraged by Court, 6438, 6472.

No sufficient notice given of judgment, which did not contain reasons, 6470–1——Apparent principle to reduce rents, high and low, from 25 to 40 per cent., 6472–4.

Appeals unsatisfactory (1) because from Court valuation is deducted value of tenant's improvements, 6467——which are very often no improvements, *e.g.*, planting and removing hedges, 6467–9——but probably affect decision, as two out of three Commissioners have no practical experience, 6483–6——(2) Because if difference is small, decision of Court below is confirmed, 6467——(3) Because they are heard by only two Commissioners, and those two lawyers, not practical valuers, 6487–8. Instance of appeal by tenants because rents were reduced only 13 per cent., 6480-2.

Effect

Second Report, 1882—*continued.*

*JOHNSTON, MR. HENRY A.* (Analysis of his Evidence)—*continued.*

Effect of Act to set class against class, 6494——to unsettle tenants, who expect further legislation, 6495–8——and to ruin landlords on estates heavily charged, 6462-3——of which there are many, 6460–1——In witness's case margin of 15 *l.* would, at present rate, be turned into serious deficit, 6449-56——Many landlords in Armagh who have bought of Church Commission have only 40 acres each, and pay head rents, 6463——so that outgoings in some cases considerably exceed former rent, 6458——Instances where (1) landlord in humble rank made agreement out of court leaving no margin, 6464——(2) Tradesman who had invested savings in land had rent seriously reduced, 6465.

*Jointure.* Frequently comes after mortgage, and therefore now still more precarious, *Gubbins* 6811.—— See also *CHARGES ON ESTATES.*

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## K.

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KING-HARMAN, COL. E. R. (Analysis of his Evidence)—*continued.*

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## L.

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*Landed Property (Ireland) Improvement Act*, 1860. Authorizing leases on limited estates, provided rent is the best "that can reasonably be gotten," used in argument by landlord, *Johnston* 6489.

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*O'Shea, Mr.* Cases of, at Thomastown; landlord called no evidence, and Sub-Commission (after inspection) reduced the rents 15 or 20 per cent., *Adams* 4975.

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P.

*Particulars.* See *Originating Notice.*

*Police Protection,* on account of attempt on witness's life, *Hutchins* 6626-7——Necessary to witness now, and prospect of disturbed winter, *Gubbins* 6812-3.

*Poor Law Guardians.* Their attitude towards emigration; See *EMIGRATION* (2).

*Potatoes.* See *Seed Potatoes.*

*Pre-emption, Right of.* A protection to landlords, though premature to say how it works, *Atkinson* 4512-7.

*Prices* of produce in Ireland on average of last five years given, *Gubbins* 6725-6——Much higher than at time of Griffith's valuation, *Greer* 7324-5.

*Priests.* Did not ostensibly foster agitation in Donegal, *Hayes* 5420-1——Their attitude doubtful towards rent, *Dunwoody* 5989-90——also towards emigration, *Tuke* 7759-62, 7766-8——but generally favourable towards emigration of individuals, *Foster* 7538; Letters from, on successful results of emigrating girls, *App. O.*, 296-304.

See also *EMIGRATION* (2).

*Purcell, Mr.* Tenants' arbitrator in Clare, refusal of, to act with those chosen by landlord, *O'Callaghan* 6859.

*PURCHASE SECTIONS OF ACT: (Part V. ss.* 24-30.)

(1.) *Operation.*

(2.) *Suggestions for Amendment.*

(1.) *Operation:*

Unsuccessful, *Atkinson* 4551-2; *Bird* 4826; *King-Harman* 7454-5——Tenants hope to get land for nothing eventually, *Sankey* 6368, and are unwilling to buy, *Earl of Belmore* 4886, 4899——There is no inducement to them to do so, *King-Harman,* 7458——No one but a lunatic would buy on present terms, *Hussey* 5567-8, 5624-7.

Court will treat single holding as estate, under Section 26, but prefer parties proceeding under Section 24, *Earl of Belmore* 4875.

Instances of unsuccessful attempts at working, given; (1) on basis of fine and fee farm grant; these cases in suspense owing to questions as to construction of Act, *Earl of Belmore* 4871-4 —(2) on basis of landlord lending one-fourth, Government three-fourths, landlord undertaking that tenants' out-goings should not be increased; general refusal of tenants, *Wright* 6237-50——(3) where tenants offered 17 years' purchase, but Crown demanded 29 years' for quit-rents, *King-Harman* 7469——(4) through Land Commission; where after visit of Court valuer, only one tenant (with specially low rent) offered as much as 12 twelve years' purchase; Court eventually declined to go on with transaction, *King-Harman* 7456-66.

*PURCHASE SECTIONS OF ACT*—continued.

(2.) *Suggestions for Amendment:*

Importance of amending, *Atkinson* 4562–3; *Bird* 4827, 4835–6; *Hayes* 5427——Because present system of joint-ownership will ruin many landlords, *Bird* 4829–34, and is bad for the country at large, *ib.* 4865–8.

Where judicial rent is not fixed, price should be settled by separate tribunal, *Atkinson* 4555–6——Where fixed, Government have sufficient information and good security for an advance, *ib.* 4553–4.

Government should (1) buy of landlords willing to sell (as most now are) at maximum of 24 or 25 years' purchase, *Greer* 7304–8, 7313–——with addition in case of tenants in arrear, *Hayes* 5427——(2.) Induce tenants to buy by amending "Bright" Sections, *Greer* 7309–12——Landlord who has failed to agree with tenants for purchase should be able to call on State to buy, with a view to re-sale to tenants who would then be willing to buy, *Earl of Belmore* 4884–93; *Wright* 6270–6——A minimum price should be fixed, so as not to be loss to Exchequer, on basis of Griffith's valuation, *plus* a varying per-centage, *Earl of Belmore* 4894–901——But not varying according to political condition of district, *ib.* 4902–7——Objection to State as landlord not valid, *ib.* 4915–8——Experience in favour of scheme from sale of glebe lands, *ib.* 4919–20.

Applications for loans under, should be made by tenant, not landlord, *Earl of Belmore* 4963.

Q.

*Quit Rents.* Commissioners of Woods charge 28 years' purchase for redemption, *Earl of Belmore* 4963——Instance where 29 years' was demanded, *King-Harman* 7469.

R.

*Rathdonnell, Lord.* Unsuccessfully attempts to work Purchase Sections under the 35 years' system, *Wright* 6248–50.

*Raycroft, Mr.* Tradesman in Macroom, who bought land in 1872 for 8,000 *l.* in Landed Estates Court; Sub-Commission is reducing his rent by one-third, and he has to return to trade, *Hussey* 5663–70.

*Reclamation,* of bog land in extreme West possible, but not likely to be remunerative, *Tuke* 7803–5 —— of Burren land in Clare consists merely in taking off stones and building dry walls with them, *Walsh* 6058——Instance where tenant claimed for reclamation not done within 40 years, *Barton* 7065.

See also *IMPROVEMENTS.*

*RENT:*

(1.) *Generally.*

(2.) *Judicial.*

(1.) *Generally:*

Well paid down to beginning of agitation, in Cavan, *Sankey* 6302–3——In Clare, *Walsh* 6068–9; *O'Callaghan* 6851, 6898, 6902——In Cork, *Hutchins* 6650, 6695——In Donegal, *Hayes* 5303–5——Near Limerick, *Kennedy* 6581——In Longford, &c., *King-Harman* 7346——In Monaghan, *Wright* 6190——In Roscommon, &c., *King-Harman* 7380, 7417, 7419——In Tipperary, *Lloyd* 7092–4——In Tyrone, *Greer* 7214, 7222–4, 7260.

Still well paid in Fermanagh, *Earl of Belmore* 4944——In Monaghan, *Dunwoody* 5856–7——In Tyrone difficult to collect now, owing to (1) contested election; (2), bad harvest of 1879; (3) inflation of tenants' credit by Act of 1870, and consequent borrowing, *Earl of Belmore* 4921–2—— Instance in Clare where two tenants paid half a year's rent clandestinely, after agitation began, *Walsh* 6140.

That of 1840 fair still in butter istricts, not in wheat, *Hussey* 5620–3——Instance of voluntary reductions since 1840, from 2,376 *l.* to 2,100 *l.*, *Hussey* 5472–9——from 2,342 *l.* to 2,055 *l.*, *Hutchins* 6643–7——from 1,500 *l.* to 950 *l.*, *Lloyd* 7087–91——On estates in Donegal rather above Griffith's valuation, *Hayes* 5282–4, 5301–2——But not up to valuation of 1858, *ib.* 5285–7——Not an important element on small holdings in West, *Bird* 4753–5; *Thompson* 5195, 5207; *Tuke* 7806–7——On estate in Mayo, about 2 *s.* 6 *d.* an acre, *Thompson* 5196.

See also *ARREARS.*

*RENT*—continued.

(2.) *Judicial:*

Not decided by competition value, *Atkinson* 4599, 4632-40; *Bird* 4768-71——Though this cannot be quite excluded, *Atkinson* 4505——Will be competition rent again on change of tenant, owing to tenant-right, *ib.* 4560-1.

Fixed by price of produce, *Atkinson* 4596-8, 4600 3; *Bird* 4772-6——but no inquiry by Court as to this, *Hayes* 5427——By amount of stock which land will bear, *Walsh* 6101——Conflicting evidence as to this, *ib.* 6102-7——Doubt what proportion of net profit is allowed to landlord, *Atkinson* 4604-11——A varying proportion of gross produce, *Bird* 4762-7——but never more than half net profit, *Atkinson* 4605.

Should be letting value less present value of tenant's improvements, *Atkinson* 4593-5——Should be fixed by price of produce, which is now much higher than at time of Griffith's valuation, *Greer* 7323-5; *King-Harman* 7467-8, 7498-502——Landlord should have one-third of value of produce, *ib.* 7503-7——Tenant should have at least two-sevenths of gross produce, *Gubbins* 6729. See *VALUATION* (2).

Amount of reduction not affected by antiquity of previous rent, *Atkinson* 4474; *Bird* 4692-3; *Earl of Belmore* 4911-3; *Hussey* 5655-61——Probably somewhat affected, though both old and new are reduced, *Fitzmaurice* 5799-802. See *Blake* v. *Lord Clarina*——Doctrine of Court that antiquity is no evidence of fairness, *Hussey* 5492——Apparently not affected by smallness of previous rent, *Bird* 4694; *Thompson* 5182-4, 5233-7; *Johnston* 6473-4——Instance of further reduction in Kerry of rent, already voluntarily reduced, *Hussey* 5480-90.

Percentage of reduction (so far) on various estates given: in Armagh from 13 to 25, *Johnston* 6416-8, 6472, 6482, *App. H.* 287——In Carlow 30, *Fitzmaurice* 5695-9, 5743, *App. D.* 282——In Cavan 15, after being slightly raised on appeal, *Sankey* 6304-10——In Clare 33 per cent., *Walsh* 6077-81, *App. F.* 285; *O'Callaghan* 6845, 6855-8, 6866-7, 6888-9, *App. K.* 289——In Cork 23, *Hutchins* 6656-63; *App. I.* 288——In Donegal 22, *Hayes* 5316-7——28, *Barton* 6988-9, *App. L.* 290——In Longford, &c., 29, *King-Harman*, 7359-62——In Mayo 20 to 25, *Thompson* 5151-61, 5167-73, 5236-7——In Monaghan 20, *Dunwoody* 5966——But in some cases 23 to 30, *ib.* 5859-63, 5907, 5912, *App. E.* 283——From 20 to 33, *Wright* 6162-7, 6194-6, 6203-5, 6223-5, *App. G.* 286——In Roscommon, &c., 21 in four cases out of five, *King-Harman* 7403-5——In Tipperary 30, *Lloyd* 7123-4, *App. M.* 290——In Tyrone 11 or 12, *Greer* 7228-30, 7236-41, *App. N.* 291——16 under first, 30 under second Sub-Commission, *Greer* 7266-75, *App. N.* 293——More generally, 20 to 25, in Limerick and Clare, *Atkinson* 4472-3, 4498——Also near Dublin, *Adams* 5102-5——Nearly 29 in Connaught, *Bird* 4676-8.

Its relation to Griffith's valuation; (a) Equal in Tyrone, *Earl of Belmore* 4910——In Donegal, *Barton* 6990——Generally, based on this, but modified by personal inspection, *Adams* 5068-71——(b) Above in Carlow, *Fitzmaurice* 5751, *App. D.* 282——In Cork, *Hutchins* 6660, *Appendix I.* 288——(c) Below in Armagh, *App. H.* 287——In Clare, *Walsh* 6081, 6085——In Donegal, *Hayes* 5318-23——In Monaghan, *Dunwoody* 5863, 5877, *App. E.* 283.

Special instances—

(1.) Of rent raised 1*l.*, *Thompson* 5156, 5221-2——Effect of this on tenants, *ib.* 5228.

(2.) Of rent further reduced on landlord's appeal, *Hussey* 5497-8, 5633-6.

(3.) Of tenants obtaining less reduction from Court than landlord would have given by agreement; others deterred from coming in by this result, *King-Harman*, 7405-6.

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Tenants' arguments based (a) on modern increases being unfair, (b) on landlord's admissions, *Adams* 5087-92——Tenants not satisfied with decisions, *Earl of Belmore* 4914——*Contra*, would probably be satisfied with less reduction, *Dunwoody* 5942.

Not likely to be well paid, *Atkinson* 4557-9; *Bird* 4761; *Wright* 6255; *Gubbins* 6822-4; *Barton* 7029, 7057-8; *King-Harman* 7427-9——Owing to operation of Section 51 of Act, *Hussey* 5572-80——Until leaseholders are included, *Gubbins* 6825-7——Prospect

*RENT*—continued.

——Prospect of present events being repeated at the end of 15 years, *Barton* 7062, 7069——15 years too short for tenancies, in landlords' interests, *Gubbins* 6768-9 ——Too long a period to look forward to, in Ireland, *Adams* 5054-5.

*Richardson, Mr.*, Estate of, in Monaghan. See *DUNWOODY, FORSTER.* (Analysis of his Evidence.)

S.

*SANKEY, HARRY S.* (Analysis of his Evidence.)—Owns estate in Cavan of 2,106 acres, and 1,367 *l.* rental, holdings being small, 6288-93——Griffith's valuation in 1854 was 1,122 *l.*, 6294-8——But this is no test of letting value in South, 6319-23——Rents unchanged since 1857, 6299, 6318——In 1850 rental was 1,295 *l.*, 6317——Tenant-right allowed up to 8 *l.* or 10 *l.* an acre, 6300——Tenants had turbary for themselves on nominal payment, 6301——Rents well paid, and no complaints, until lately, 6302-3——Nearly 30 out of 65 tenants served notices, 6291, 6304 ——The rest will do so, 6352——Five cases heard, 6305——Sub-Commissioners reduced rent from 97 *l.* 7 *s.* 5 *d.* to 78 *l.* 10 *s.*, which was raised, on appeal, to 82 *l.*, 6306-9——Reduction 15 per cent., 6310.

Witness attended inspection of land by Court, 6342——Names of Sub-Commissioners given, 6347-51——Inspection was in hard frost, 6336-9——when it was impossible to judge produce, 6344——and when land was nearly barren of stock, 6345-6 ——They hurried over ground, visiting 250 scattered acres between 3 and 4.30 p.m., 6340-3.

On appeal, Court valuer and landlord's valuer were within 1 *s.* an acre of each other, 6311, 6331——and near existing rents, 6332——Court valuer found no improvements in three cases, 6312, 6333——In the other two, improvements were made since rent was raised, 6333-5——He also found deterioration, 6314——But Chief Commissioners fixed rent 12 per cent. below what their own valuer put it at, 6313, 6315-6——Costs (landlord's) of the five cases, including valuation and appeal, 80 *l.* 10 *s.* 2 *d.*, 6317.

Agreement out of Court made on easy terms to one tenant in vain hope that others would come in, 6353.

Effect of Act to estrange landlord and tenant, 6364-5——and to ruin those, like himself, whose estates are charged, often by their predecessors, not themselves, 6359-63 In his case outgoings amount to 966 *l.*, without agent's fees, 6354-6——Reductions at present rate would leave practically nothing, 6357-8——Land now unsaleable to the public, 6366-7——and tenants not disposed to buy, hoping to get it for nothing, 6368 ——Arrears more frequent with small tenants than large, 6324-6——But all are well up now, 6327——There is no organised refusal to pay, 6328-30.

*Seed Potatoes.* Advanced in 1879 to tenants in Clare, and loan repaid in nine months, at 2 *d.* per stone under cost price, *Walsh* 6072——Large gifts of (*e.g.*, 500 *l.* worth of Champion in 1880) on estate in Roscommon, &c., *King-Harman* 7389.

*Sheil, Mr.* Estate of. *See GREER, JAMES.* (Analysis of his Evidence.)

*Shopkeepers.* As guardians, opposed to emigration. See *EMIGRATION* (2)——Debts to. See *ARREARS* (1).

*Sub-Commissioners:*

Names of, in Carlow, *Fitzmaurice* 5753-5——In Monaghan (two sets—in part), *Dunwoody* 5886; *Wright* 6174-6——In Clare, *Walsh* 6090-3——In Limerick and Clare, *Atkinson* 4470——In Cavan, *Sankey* 6347——In Armagh (two sets), *Johnston* 6403, 6479——In Tyrone (two sets), *Greer* 7267-8——First set of, in Armagh, comparatively moderate in reductions, hence burnt in effigy by tenants; afterwards transferred elsewhere, *Johnston* 6479——Second set, opposed to landlords, *ib.* 6466—— trying to suppress their evidence; refusing, *e.g.*, that from value of neighbouring lands, *ib.* 6439, 6445——So also in Tyrone, *Greer* 7264-6——where under similar conditions, first set reduced rent 16 per cent., and second set, 30 per cent., *ib.* 7269-75; *App. N.* 293——In Clare, careful and courteous, but wanting in practical knowledge, *Walsh* 6093, 6100.

See *McCarthy, Mr.* *Meek, Mr.*

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*SUB-COMMISSIONS:*

(1.) *Constitution of Court.*
(2.) *Inspection of Holdings.*
(3.) *Judgments.*

(1.) *Constitution of Court:*

There are 16 Sub-Commissions, costing 60,000 *l.* a-year, *Adams* 5085-6——Short tenure of office unfortunate, *Bird* 4737——Removal from place to place inconvenient, *Earl of Belmore* 4882-3—— Proceedings in Court impartially conducted, *King-Harman* 7448-50, 7453——Doubt whether opinion of legal member must prevail on point of law, *Atkinson* 4518-9, 4659-60——In theory lay members do not vote on point of law, *Bird* 4723-4.

Suggestions (1.) that number of Sub-Commissions should be doubled, *Adams* 5084-5:

(2.) That Court should consist of one Judicial Commissioner and two Assessors (experts), who should report and be examined, *Atkinson* 4527-37; *Bird* 4721-2, 4735-6——when their impressions might be modified or rebutted by counter evidence, *ib.* 4780-2:

(3.) For preliminary valuation by Court, report of valuer to be published, and appeal allowed either to Sub-Commission or Head Commission, *Bird* 4725-6, 4799; *Greer* 7319——which would very much reduce number of Sub-Commission required, and save expense, *Bird* 4727-9——but might require new Act, *ib.* 4730:

(4) For reference by both parties to a valuer, *Adams* 4994.

(2.) *Inspection of Holdings:*

Important factor in deciding cases, *Atkinson* 4477; *Bird* 4777-8; *Barton* 7019——Employs nearly half the time, *Atkinson* 4520-3——So that some of the cases listed do not come on, *ib.* 4575-6——Generally done by all three together, *Sankey* 6348-51——Instance in Clare where it was done by two, *O'Callaghan* 6917——Done with care, *Bird* 4788-96, 4862-3; *Hayes* 5427; *O'Callaghan* 6918-9; *King-Harman* 7364——testing soil and examining outlets of drains, *O'Callaghan* 6931-6——Each tenant allowed to be present on his own holding, and to give evidence as to improvements, &c., *O'Callaghan* 6920-3, 6925——When time presses, or there is great discrepancy as to value, court valuer employed, *Atkinson* 4524.

Instances where:

(1.) In Carlow, 398 acres were inspected on one very wet afternoon, *Fitzmaurice* 5712-20, 5731-46:

(2.) In Cavan, 250 acres of scattered land were inspected in one and a-half hours, *Sankey* 6340-3——after a fortnight's hard frost, *ib.* 6336-9——when produce could not be judged, and land was nearly barren of stock, *ib.* 6344-7:

(3.) In Cork, 600 acres were inspected in six hours, soil being tested only in two places, *Hutchins* 6676-80.

Report of, should be disclosed in Court, *Atkinson* 4525-6——but inspection does not generally take place until afterwards, *Bird* 4797-8——Single inspection by strangers likely to lead to fallacious results, *Bird* 4681, 4779, 4787, 4864; *Fitzmaurice* 5752.

(3.) *Judgments:*

Not sufficient notice of them given, *Johnston* 6470-1——Their principles not known, *Earl of Belmore* 4954-5; *Wright* 6173; *Greer* 7248-9, 7276; *King-Harman* 7451-2——Except that they strike a mean between the two valuations, and make a rule of reducing more or less, *Wright* 6284-7——but apparently on different scales at different times, *Thompson* 5223-4——Do not contain reasons, *Atkinson* 4540-1, 4591-2; *Adams* 4971; *Thompson* 5166, 5227; *Hayes* 5324, 5427; *Hussey* 5491-2, 5499, 5561; *Dunwoody* 5869-70, 5921; *Johnston* 6470; *Barton* 7063-4——Exception to this rule, *Adams* 5005-8——Legal analogies (*i.e.* Juries and Privy Council), *Adams* 5016-8, 5031-3——which must not, however, be pressed too far, as this is in some sort a revolutionary tribunal, *ib.* 5014-15, 5020, 5049-51——They are in future to contain list of tenant's improvements, *Atkinson* 4548-50.

Should disclose (1) letting value; (2) tenant's improvements; (3) deduction on account of them, *Atkinson* 4504; *Bird* 4695-7——This would help people to settle out of Court, *Atkinson* 4612; *Bird* 4710-3; *Hussey* 5662——and produce uniformity of decisions, *Atkinson* 4613-4——and clear the ground as to appeals, *Bird* 4709.

Should not include reasons, *Adams* 5009, 5021——As it would entail loss of time, *ib.* 5010, 5022——and provoke appeals, *ib.* 5023-6, 5053, 5060——and shew that Court sometimes arrived at unanimous conclusion for different reasons, *ib.* 5010, 5027-30, 5042-8——Proposal that Court should state value of farm and value of tenant's improvements separately, open to similar objections, *ib.* 5034-41.

*Sub-Letting.* Restriction on, after fixing of rent, by Section 5 of Act, *Atkinson* 4506.

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T.

*Taxes.* Local, paid by landlords, do not exceed 2*l.* on holding of 50*l.*, *Earl of Belmore* 4963.

*TENANTS:*

In the past, easy to deal with, *Thompson* 5147, 5244; *Sankey* 6364——So far contented as to pay rent well, *Hayes* 5303——Did not complain of rents before 1879, *Fitzmaurice* 5705-6, 5728——Difficulty of testing their ability to pay, *Dunwoody* 6027-9——On estate in Mayo very poor, living much by sale of turf, and by labour in England, *Thompson* 5206-12, 5250, 5255 7——In Longford, pay rent greatly by labour in England, but probably could pay it off the land by hard work, *King-Harman* 7508-12——In Donegal, often idle and thriftless, only a few making improvements, *Hayes* 5377-80——In Tyrone, industrious and thriving, making improvements, *Greer* 7234—— In Clare, law abiding and truthful, *Walsh* 6076.

Assisted by allowances, &c., in winter, *Thompson* 5150——By present of year's rent towards emigrating, *Walsh* 6052-3——By abatement in 1879, and advance of seed, &c., *ib.* 6070-2—— By employment in winter instead of abatement, *Johnston* 6394, 6419——By employment, presents of seed, and special abatements, *King-Harman* 7348-9, 7386-9, 7426—— By abatement (not always to the extent demanded), *Fitzmaurce* 5707-8, 5728; *Hutchins* 6651-3; *O'Callaghan* 6853-4, 6899; *Lloyd* 7094–101——At time of famine, by remitting 5,800*l.* of arrears, abatement of 25 per cent., and re-valuation, *O'Callaghan* 6902——Assistance towards building not usual in Clare, *O'Callaghan* 6850——Comparative prosperity of, there in 1881, *Walsh* 6073–5.

Sudden change in relations to landlord when Land Court began to sit, *Thompson* 5243–5——When agitation began, *Walsh* 6076, 6109–10——Agitators, not tenants, to blame, *O'Callaghan* 6899——Change dates from Act of 1870, but began to show itself openly after 1878, *Hayes* 5419-26——Caused by Act of 1881, *Hussey* 5549; *Fitzmaurice* 5783-4; *Dunwoody* 5958-9; *Wright* 6251; *Johnston* 6494; *Barton* 7029-32; *King-Harman* 7470-2——Affecting all landlords, whether they have stood out against agitation or no, *ib.* 7521–5.

Demoralised by Act, though farming as well as before, *Lloyd* 7153–7; *Fitzmaurice* 5785——Not free agents in coming to terms, owing to boldness and success of agitators, *Gubbins* 6777-80, 6814——and who make them go into Court, *Fitzmaurice* 5785——More go in on small estates than large; reasons for this, *Dunwoody* 5972 6——They are not going in so fast as at first, *Atkinson* 4641——Popular sympathy when they do, *ib.* 4657-8—— More will come in, if present reductions are confirmed on appeal, *Johnston* 6402, 6427-9——*Contra*, disappointed at amount of reductions, and hoping for further legislation, *Atkinson* 4642; *Gubbins* 6770-1; *Greer* 7317–8——to be obtained by agitation, *Johnston* 6495–8; *Lloyd* 7162-4——and therefore unwilling to be bound for 15 years, *Dunwoody* 5962–5, 5981-8, 5991.——See *Intimidation.*

*TENANT-RIGHT:*

(1.) *In the Past:*

In Ulster: averaged 16½ years' purchase in Donegal, *Hayes* 5298-300——from 12 to 15 years, *Barton* 6969-72——10 to 14 years on estate in Tyrone, *Greer* 7234——In Monaghan, sometimes rises to 18*l.* per Irish acre, *Dunwoody* 5852-5——Unlimited, *ib.* 5909–11—— In Armagh, landlord in 1881 offered 10*l.* an acre (7 years' purchase), unless they could get more in open market, *Johnston* 6419-23—— It has been known to fetch 20*l.* on this estate, *ib.* 6431–3.

Elsewhere: silently allowed on estate in Mayo, *Thompson* 5135-6——Sometimes amounting to over 6 years' value, *ib.* 5137, 5148–9——There called "soil money," applying to unexhausted manures, *Dunwoody* 6030—— Sometimes allowed on estate in Clare, *Walsh* 6084——and sales not prevented by increasing rent, *O'Callaghan* 6900——On estate in Cavan allowed up to 8*l.* or 10*l.* an acre; would have fetched much more, *Sankey* 6300.

(2.) *Under the Act:*

Arrived at by adding maximum compensation for disturbance to value of improvements, *Bird* 4741-2.

Generally valued at a considerable sum, *O'Callaghan* 6901——At from 3 to 7 years' purchase (but would fetch more in open market), *Atkinson* 4507-11——Just over 4 years, *Walsh* 6083, 6085——From 8 to 10 years, *Adams* 4991 ——Probably amounts to one-third of total value of holding, *Bird* 4828, 4839-41.

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*TENANT-RIGHT*—continued.

(2.) *Under the Act*—continued.

Is a security for rent, not often used, but one which it would be a grievance to have taken away, *Hayes* 5359-67; *Dunwoody* 6005-14, 6017-23——Though some really poor tenants might fairly be assisted thus, *Dunwoody* 6015-6——And some landlords would be glad so to get part of arrears, 6021——Not an available security, as agitation prevents free sale, *Walsh* 6134-5.

See *Cloncurry, Lord.* *Pre-emption.*

*THOMPSON, R. WADE.* (Analysis of his Evidence.)—Agent to his father, whose property in Mayo, near Ballina, was bought before 1842; 5106-10, 5258——and consists of 5,825 acres in tenants', and 1,564 in landlord's hands, 5111-13——Rent raised gradually from 675 *l.* in 1842, to 697 *l.* in 1881 (Griffith's valuation being 691 *l.*), divided among 120 tenants, 5114-7, 5119-29, 5196-7——Land generally poor, like most in Mayo, 5118, 5130, 5199-201——and ill-cultivated, 5205——chiefly by hand, all working, 5204-7——They make butter as well as grow potatoes, corn, and turnips, 5202-3——Instance of good profit on farm held by sub-agent, 5198——Tenants have free turbary, and right to sell on nominal payment, 5132-4——They live in mud cabins, 5212——on 30 *l.* to 40 *l.* a year, derived greatly from sale of turf, 5208-11—— and labour in England, 5256-7——Rent not an important element in their expenditure, 5195, 5207——But some of them very poor, 5250, 5255——Estate low-rented compared to neighbours', 5145-6, 5233——Re-valuation in 1868 brought rental up to 1,000 *l.*, 5138-40——But not acted upon, 5141——Estate not mortgaged, 5131.

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U.

*Ulster.* See *TENANT-RIGHT:*

*United States*, Emigration to. See *EMIGRATION* (6).

V.

*VALUATION:*

(1.) *Court.*
(2.) *Landlords'.*
(3.) *Tenants'.*

(1.) *Court:*

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*Vernon, Mr.* See *Land Commissioners.*

## W.

*WALSH, REV. ROBERT.* (Analysis of his Evidence.)—Is Incumbent of Malahide and Portmarnock, 6031——Owns estate in Clare, near Ballyvaughan, bought by his father (late Master of the Rolls), in Encumbered Estates Court in 1862; 6032-6, 6141-2——at a little over 20 years' purchase, 6063-4——The acreage is 1,276; the rental, at time of purchase, 309 *l.* 17 *s.* 6 *d.*, and now 311 *l.* 0 *s.* 6 *d.*, 6037-40——Griffith's valuation, 220 *l.* 5 *s.*; 6041——It is "Burren" land, viz., either crag pasture, used chiefly for sheep, or light arable over limestone, 6042-4, 6047-51——Holdings small, 6045——but 23 reduced to 19 to make them larger, without altering aggregate rent or taking fine, 6046, 6052-6——Outgoing tenants assisted, 6052——1,500 *l.* spent by landlord in improvements, 6062——*i.e.*, building, reclaiming, and fencing, 6057-61——Landlord did all permanent improvements, 6065——But not excluded from Act, as tenants were bound by written agreements to keep buildings in order, 6066-7——Rents well paid down to 1878; 6068-9——in 1879 tenants assisted by offer of 15 per cent. abatement, and by advance of seed potatoes and manure, 6070-2——Since then things have gone well except for "rot" in sheep last year, 6073-5.

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*Wynne, Mr.* Rector of Killarney; successfully emigrated girls to Canada, *Foster* 7602-4; *App. O.*, 304.

# I N D E X

TO THE

# REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON

# LAND LAW (IRELAND).

## SECOND REPORT.

*Ordered, by* The House of Commons, *to be Printed,*
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# LAND LAW (IRELAND) ACT, 1881 (TENANT FARMERS' ASSOCIATION OF ULSTER).

RETURN to an Order of the Honourable The House of Commons, dated 23 November 1882;—*for*,

COPY "of MEMORIAL of TENANT FARMERS' ASSOCIATION of ULSTER (dated 10th November 1882) to the First Lord of Her Majesty's Treasury, with reference to the Administration of 'The Land Law (Ireland) Act, 1881.'"

To the Right Honourable *William Ewart Gladstone*, M.P., First Lord of Her Majesty's Treasury.

Sir,

BY a deputation of Northern Tenant-farmers who recently waited upon Mr. Trevelyan in Dublin, and by the utterances of Irish representatives in the House of Commons, the attention of the Government has been called to the anxious and excited state of public feeling in Ireland regarding the administration of the Land Law (Ireland) Act, 1881.

Apprehending that the grave import of this condition of affairs, and the serious consequences likely to result, may not be fully estimated by the Cabinet, we consider it an imperative obligation to bring before your notice, as the Prime Minister, and especially as the author of that great measure of land-law reform, certain dangers that threaten to destroy its remedial effects, and to re-open those social sores from which it was hoped our distracted country was beginning to recover.

The immediate occasion which has brought public discontent and alarm to a crisis is the recent appointment of an official valuer attached to each Sub-Commission. We have been informed that this step was taken in order to lessen the number of appeals by landlords. These numerous and harassing appeals have proved a powerful instrument of oppression—the threat being constantly held out that "every case will be appealed whatever the decision of the inferior court;" and it having been acknowledged that the object of these appointments was the satisfying of the landlords (whose clamorous demands for some change, in the hope of hindering the reduction of rents, has been so far successful), it is clear that the alarm and distrust of the tenants are well grounded. This action is looked upon as a breach of faith on the part of the Chief Commissioners; inasmuch as having first secured an immense number of applications to fix fair rents, they then alter the constitution of the sub-commissions adversely to the interests of, and without notice to the applicants. It cannot, therefore, be a matter of surprise that the tenants should not regard the decisions of such a tribunal morally binding upon them.

If any change were made in these Courts it should have been by the appointment of an experienced tenant-farmer, in whose character and practical knowledge of agriculture and of the circumstances of the district the public could have reposed confidence. And the continued employment of these so-called valuers (or rent-raisers as they are popularly called), can only shake the confidence of the people in the impartiality of the Government and of the Courts.

The late appointment of valuers is, however, only the occasion which has brought out the expression of a very wide-spread dissatisfaction already prevalent in regard to the general administration of the Act, more particularly as to its fair-rent clauses. This discontent prevails most largely where the Ulster Custom exists, and the following are some of its causes, viz.:—

1. The circumstance that several of the Sub-Commissioners are landlords or land agents, who are known to have been opposed to the Ulster Custom and

and to the policy of the Land Act; or in some cases to have been, previous to their appointment, entirely ignorant of the Ulster Custom, and with a strong bias in favour of the landlords' view of the questions arising under the Act.

2. That the evidence adduced on behalf of the tenant has been treated with disregard and indifference, both when it had reference to the rental value of the holdings and to the cost of the improvements thereon, and by the Court of Appeal as well as by the Sub-Commissions.

3. That the value of tenant-right under the Ulster Custom, as well as its relative value in different localities, has been wholly ignored by the Courts; and consequently the judicial rents for holdings, subject to the Ulster Custom, have been fixed so high as frequently, in great part, to confiscate the saleable value of the tenant-right.

4. That the judicial rents fixed for holdings on which much industry and capital have been expended are relatively higher than those fixed for holdings that have been impoverished by neglect.

5. That the judicial rents fixed on estates excessively rack-rented in the past are much higher than those fixed on estates which have been, according to the view of the landlords, moderately rented; thereby securing to the rack-renting landlord great advantage from his past injustice.

6. That by the rules made under the Act the gross poor-law valuation of the holding is put forward as bearing some relation to a fair rent; whereas, in some counties, more particularly in Ulster, it is relatively higher than it is in others, besides that everywhere it was made upon the improved value of the holding resulting from the tenant's outlay.

7. That costs are not given to successful applicants before the Sub-Commissions, and thereby settlements out of Court are rendered more difficult; it being obviously, for this reason, and also because the judicial rent dates from the gale-day succeeding the decision of the Court, the interest of the landlords to resist to the last the settlement of a fair rent.

8. That the Chief Commissioners in Appeals make vexatiously trifling changes in the rents fixed by the lower Courts, and overrule the joint opinion of three of their own officers, having only before them the additional evidence of the report of a valuer whom they refuse to permit to be examined in open Court, or to have the correctness of his conclusions in any way tested.

9. That the extremely low prices ruling for farm produce in proportion to the present cost of production, and the great vicissitudes and risks of the climate of Ireland, are almost wholly lost sight of by the Chief and Sub-Commissioners when adjudicating upon rents.

As a consequence of the foregoing a considerable proportion of the judicial rents already fixed are greatly in excess of those which the Irish farmer can continue to pay if he is to "live and thrive." And, having regard to the fact that no expenditure of capital has been made upon the land, or is to be made upon it, by the landlord, the standard of judicial rent thus set up is seriously higher than that of rents which have recently come under revision in many other parts of the United Kingdom.

There are several other matters also demanding attention, which, however, will require the amendment of the Act. For instance—the decision on appeal in "Adams *v.* Dunseath," whereby certain improvements made by the tenant previous to 1870 are held to revert to the landlord after some years; and the judicial rent commencing with the gale-day next after the decision, instead of next after the date of application, thereby putting a premium on delay and obstruction by the landlord; also the case of leaseholders who are excluded from the fair rent provisions of the Act; and that disappointing and unjust interpretation of the Act, by which villages which in England would be called "hamlets," have been held to be "towns" in the meaning of the Act, thus making agricultural holdings in and adjacent thereto, *townparks*, and shutting out their occupiers from the benefits of the Act.

But

But that which we would with great respect earnestly press upon you as of vital and most urgent importance to the many thousands of applicants now before the Courts is, that immediate steps should be taken to give complete effect to the fair rent provisions of the Act, so that "no rent shall be made payable in respect of improvements made by the tenant, and for which the tenant has not been compensated by the landlord;" and that the present law should be firmly and impartially administered in accordance with its letter and spirit.

We feel bound, with the greatest deference, to remind you that the principal sources of information accessible to the Government, in reference to the working of the Land Act, are those naturally biased in favour of the landlords' side, and adverse to the tenants' side of these questions; and to express the very strong hope that you will no longer permit the all-pervading influence of that class which has hitherto almost engrossed the Government and public offices of this country, to deprive the great body of the people of the beneficial intentions of the Legislature; but that, in the exercise of the high authority entrusted to you by the nation, you will cause the balance of justice to be evenly held between these two interests.

We are assured you will approve of the determination of the Irish tenant-farmers, taught by the bitter experience of the past, to guard with vigilance and tenacity rights acquired after so many years of suffering and loss. Stimulated afresh by what appears to them as insidious efforts to filch away from them some of the hard-earned fruits of their struggles, they are to-day found firmly resolved to press on until the great work of their emancipation, with which they will ever gratefully associate your honoured name, is perfected and completed.

We have, &c.

At a Representative Meeting of the Tenant-Farmers' Associations of the Ulster Counties, held at 4, Waring-street, Belfast,—

For County Antrim, *James Ferguson*, Silversprings, Doagh.
For County Armagh, *Nelson Ruddell*, Aghacommon, Lurgan.
For County Down, *Joseph Perry*, Snow-hill, Downpatrick.
For County Donegal, *Alex. Brown*, St. Johnstone, Donegal.
For County Londonderry, *H. McIntyre*, Gorton, Londonderry.
For County Monaghan, *H. G. Patterson*, Emyvale, Monaghan.
For County Tyrone, *Robert Woods*, Stewartstown, Tyrone.
For County Cavan and Monaghan, *Thomas Phelan*, Carrick-macross.

By Order,
*Thos. Shillington*,
Secretary, *pro tem.*

10 November 1882.

# LAND LAW (IRELAND) ACT, 1881 (TENANT FARMERS' ASSOCIATION OF ULSTER).

COPY of MEMORIAL of TENANT FARMERS' ASSOCIATION of ULSTER (dated 10 November 1882) to the First Lord of Her Majesty's Treasury, with reference to the Administration of "The Land Law (Ireland) Act, 1881."

(*Mr. Gladstone.*)

*Ordered, by* The House of Commons, *to be Printed*, 23 *November* 1882.

410.

*Under* 1 *oz.*

H.—1. 12. 82.